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CHILD PORNOGRAPHY AND PEDOPHILIA

HEARING

BEFORE THE

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

OF THE

COMMITTEE ON GOVERNMENTAL AFFAIRS UNITED STATES SENATE

NINETY-NINTH CONGRESS

FIRST SESSION

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FEBRUARY 21, 1985

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CHILD PORNOGRAPHY AND PEDOPHILIA

THURSDAY, FEBRUARY 21, 1985

U.S. SENATE,
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC.

The subcommittee met, at 10 a.m., pursuant to call, in room SD-342, Dirksen Senate Office Building, under authority of Senate Resolution 354, section 13, dated March 2, 1984, Hon. William V. Roth, Jr. (chairman of the subcommittee) presiding.

Members of the subcommittee present: Senator William V. Roth, Jr., Republican, Delaware; Senator Sam Nunn, Democrat, Georgia; and Senator Lawton Chiles, Democrat, Florida.

Members of the professional staff present: Daniel Rinzel, chief counsel; Eleanore J. Hill, chief counsel to the minority; Nicholas L. Chiarkas, deputy chief counsel; Katherine C. Bidden, chief clerk; John Sopko, assistant counsel, minority; Leonard Willis, minority investigator; Charles Osolin, press secretary; Sarah Presgrave, executive assistant to the chief counsel of the majority; Cindy Comstock and Carla Martin, majority assistants.

[Senators present at the convening of the hearing: Senators Roth, Nunn and Chiles.]

OPENING STATEMENT OF SENATOR ROTH

Chairman ROTH. The subcommittee will please be in order.

Today the Senate Permanent Subcommittee on Investigations continues its examination of child pornography and pedophilia. This morning's hearing will illustrate the nature of this crime from the perspective of both the child molester and the victim. We will also concentrate on what is being done by American enforcement agencies and European authorities to halt the distribution of commercial child pornography in the United States.

As a result of this subcommittee's yearlong investigation into this area, I am now preparing legislation that will significantly amend current Federal law on child prostitution and child pornography.

First, I hope to amend the Mann Act which deals with the interstate transport of persons for purposes of prostitution so that it will provide the same protection for males as it now does for females.

Second, I am introducing legislation that will outlaw advertising of child pornography and will further clarify just what child pornography is, which will aid our Nation's prosecutors in qualifying certain explicit photographs as illegal material.

In our first hearings on November 29 and 30 of last year, we learned of the extensive importation of commercial child pornography into the United States from overseas, and the activities of organizations in America that openly advocate sex with children. The reaction to those hearings in Denmark and The Netherlands, the two countries which account for 90 percent of the child pornography entering the United States, was immediate and largely constructive. The sensitivity to this issue among Danish and Dutch legislators, police officials, the news media and the general public has been raised to a level which makes me hopeful that effective action will soon be taken to end the shipment of illegal child pornography to our country.

One of the immediate results of the November hearings was the development of an American task force on child pornography composed of representatives of the State Department, Customs, Postal Service, FBI and Justice Department. In January, this group traveled to Sweden, Denmark, and The Netherlands to meet with Government officials to discuss our Nation's common concern in the area of child pornography.

Today we will hear the results of that trip and what progress our Federal agencies have made since November.

Until today, we have focused our attention primarily on the distribution of commercial child pornography—the actual pictorial evidence of child molestation that is sold or traded among pedophiles and pornographers. As we heard testimony about the thousands of magazines, tapes, and films seized in this country by Postal, Customs, and local police agencies, it was, indeed, chilling to recognize that every photo on every page, of every magazine, represented the actual molestation of a child. Every photo was a permanent record of the work of a child molester, and we must not forget this inextricable connection—that in order for child pornography to exist, a child must be exploited and, in most cases, physically abused.

This morning we will hear from a convicted child molester who is now incarcerated in California. He will explain how he met, seduced, and eventually molested 22 young girls, aged 6 to 14, over a 27-year period. His testimony, while not graphic in its description of any physical acts, will nonetheless be unsettling. But I am convinced this type of testimony is essential if we as legislators and parents are fully to grasp what we must do to protect our children. I think it is crucial that we hear in a pedophile's own words and not from a dispassionate police report how child molesters operate in our society, how they make contact with each other, how they use child pornography, how they meet and seduce children, and how they get away with it.

In addition, our witness this morning, who unlike many child molesters, now freely admits the damage he has done to children and will offer some advice to parents.

And we will also hear from a child molestation victim and his family. Frankly, in some respects, this was a very difficult problem for the subcommittee to address. To place a young child in the witness chair would have been exploitive in its own way, yet there is no other way to fully demonstrate how a pedophile so thoroughly manipulates his victim. Fortunately, we have a young man now in

college who wants to talk about his molestation as a teenager at the hands of his uncle. His parents are here because, as we will learn, there is more than one victim when a family member has been sexually abused. Their story is tragic, yet they are on the way to healing their wounds. They have come to Washington to show other victims and parents that there is a way out of the anger, guilt, and depression that accompany child molestation.

I should mention here that in this young man's testimony, you will hear about his uncle, a convicted child molester, who was a former scout leader, Big Brother, school counselor, and recreational director. We know for a fact that many pedophiles seek out these jobs so they will be in contact with children and, thus, can find victims more easily, but at the same time, I think it is imperative that we do not carelessly ruin the professional images of certain professions and organizations because some of their members have been convicted of child molestation. In an effort to find child molesters, we need to take care to avoid unfairly accusing innocent people.

The stigma of a child molester is one of the most indelible marks our society can place on anyone. In such an emotionally charged atmosphere as we have today, we should all use the utmost caution before making a judgment that could possibly ruin a productive and responsible person's reputation.

I am determined to see that the U.S. Government, as well as the governments of Denmark and The Netherlands, stop the production and distribution of child pornography through arrests, convictions, and tough legislation. There are some very positive steps being taken.

This is not the first time the heat has been turned up on foreign pornographers. They have learned it is a cyclical concern in America, and they may believe they can just wait it out. I want them to know that we intend to keep the heat on.

Senator Nunn.

OPENING STATEMENT OF SENATOR NUNN

Senator NUNN. Thank you very much, Mr. Chairman. I want to join you in emphasizing the importance of this hearing today. I also want to emphasize the bipartisan nature of these issues. They are issues that concern us whether we are Democrats or Republicans. This subcommittee is unique in its bipartisan approach because we are not a legislative subcommittee. Individual members end up introducing legislation, as Senator Roth has indicated he intends to do in this area. I certainly will join him in that endeavor.

Our focus this morning will be on shedding light on a very crucial issue which is concerning millions of people throughout America, and rightly so.

Mr. Chairman, I congratulate you this morning on having these hearings. As you recall, last year the Permanent Subcommittee on Investigations registered its concern over the appalling problem of child pornography. Our concerns focused not only on the production and distribution of commercial child pornography, but also on the growth of organized pedophile groups openly advocating the abolition of all laws designed to protect children from sexual abuse.

At those hearings, subcommittee members also expressed alarm at the substantial influx of commercial child pornography materials into this country from abroad. Since that time, as you have already alluded to, I am very happy to learn that a special task force consisting of representatives from the State Department, the U.S. Customs, and the U.S. Postal Inspection Service has traveled to a number of European countries to discuss U.S. concerns over the importation of child pornography material into the United States.

I am looking forward to hearing testimony today on the outcome of those discussions. Certainly few would dispute the fact that child pornography and child molestation are issues which are deserving of the subcommittee's and the Senate's continuing concern. The safety and well-being of our children merits the attention of parents and government alike. With that in mind, I look forward to these hearings.

Mr. Chairman, one other note. I think we, without any doubt, are going to try to do everything we can from a governmental perspective in this area. I think there are things that the Government can do that are not being done now. I hope these hearings will result in the Federal Establishment and Federal law enforcement agencies being more alert to these problems and pursuing them more diligently than in the past.

I am not certain what all the facts are in terms of what the Federal Government has done and has not done. That will be a principal focus of these hearings. I have heard from people who made intensive studies of the Federal efforts in this area that we have very few people assigned to this subject in terms of Federal law enforcement. I have heard that the city of Indianapolis, for instance, made more child pornography cases in 1983 than the entire Federal Government. Whether this is true or not, I don't know. These are the facts that I will be pursuing. I want to know how much the FBI is involved; how much the Customs Service and other agencies are involved; and what they can do to improve their performance.

I also might add, Mr. Chairman, that I think there is a private dimension here. There are some things the Federal Government cannot and should not cure. One of those things perhaps is the question of advertising. If you look at news magazines that are on the stands today, some of them come very close to being open advocates of this type of behavior. I won't name magazines today, but I think that people who are advertising, including corporate executives who have large advertising budgets, sometimes never look at where those budgets are being spent. They have a keen responsibility here. I don't suggest that we can pass a law on this subject and cure all of those problems. But I would hope that out of these hearings the people who are spending money in the advertising arena will take a very close look at where they are spending that money, what kind of publications they are supporting with their advertising dollars, what really are the contents of those publications, and what they are leading to in our country.

So I think that there is more than one dimension here, Mr. Chairman. There is both governmental and private responsibility, and I hope that both of these can be pursued in these important hearings this morning.

Chairman ROTH. Thank you, Senator Nunn. I appreciate your personal interest and contributions that you are making in this area.

Another Senator that has been much concerned about this problem is Senator Chiles.

OPENING STATEMENT OF SENATOR CHILES

Senator CHILES. Thank you, Mr. Chairman. As the Senate Permanent Subcommittee on Investigations continues to look at the problem of child pornography, there exists the realization that while this is not a pleasant task, it is a task that is compelling.

If these hearings do no more than inform the public about the commercial sexual exploitation of children and the importation of child pornography from foreign countries, then they would, indeed, be worthwhile. I certainly hope for more, and I know the subcommittee does.

I am glad to pledge my support to legislation which may tackle some of the problems outlined in these and previous subcommittee hearings.

It is important that the nations that allow the commercial exportation of child pornography to this country, understand that we totally abhor this bombardment of the most contemptible kind of pornography in our midst. There is in my opinion, no question about the legal implications nor first amendment debate of child exploitation and abuse by adults. It is illegal. It is wrong. It always has been and always will be.

Mr. Chairman, I share your determination in prodding our own Government and the foreign governments involved to act with haste and firmness to stop the distribution of child pornography through every legal means at our disposal.

If our current laws are not tough enough, we should move to make them tougher. Prosecutors who are slow to move because they don't think the Congress is concerned must be made aware of our concern. And the administration should make the problem of child pornography a high priority. It is obvious, as Senator Nunn says, it is not very high on the list now when you see the amount of resources. I hope the subcommittee will pursue that, Mr. Chairman; the actual resources that are now being allocated and the attention allocated to this problem by the Justice Department, by the FBI, and by all of the law enforcement agencies at the Federal level, and look at the number of cases that are made. I think we will see it ranks very low on the ladder of priority.

We in Congress must respond to the threat to the assault that is being made on that most precious resource of all that we have and that's our children.

Chairman ROTH. Thank you, Senator Chiles. Our first witness today will be Joe Henry, a convicted pedophile who was involved in a major child sex ring in Los Angeles. Before we bring Mr. Henry, we would like Mr. Selcraig of the subcommittee staff to briefly explain how this ring operated and its connection with other rings in the United States.

Mr. Selcraig, would you please remain standing and raise your right hand?

Do you solemnly swear the testimony you will give before this subcommittee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SELCRAIG. I do.

Chairman ROTH. Thank you. Please proceed.

TESTIMONY OF BRUCE SELCRAIG, STAFF INVESTIGATOR, PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. SELCRAIG. Mr. Chairman, throughout the subcommittee's year-long investigation of child pornography and pedophilia, and during our hearings last November, we heard about the existence of certain child sex rings and pedophile organizations operating in America. We have this morning two charts which trace the national and international connections of three separate groups involved in child pornography and child molestation.

Our next witness, Joseph Henry, was actively involved in one of these groups. Viewfinder, Inc., of St. Petersburg, FL, shown at the top of the chart, was a nationwide ring organized by Eric Cross which shared child pornography among its members.

Allegedly Cross was so brazen as to continue his child pornography mailing operation while in the Florida State Prison while supposedly assisting prosecutors who are investigating child pornography cases.

The second ring on the chart is the Childhood Sensuality Circle of San Diego. We heard testimony concerning this group at our hearing in November. During that hearing, we heard that CSC, which is run by an 84-year-old woman named Valida Davila, is ostensibly a group that advocates sexual liberation for persons of all ages. Our investigation showed that at least 30 CSC members from around the country have been arrested on child sex charges and that in practice, CSC developed into little more than a contact service for pedophiles. By meeting other pedophiles through membership in CSC, child molesters have been able to acquire new victims. CSC and Viewfinder, Inc., are also connected through associations of their members and, as shown on the chart, through their connections to Donald Woodward, who we have interviewed at length in prison.

Woodward, who lived in Alexandria, VA, and had a high security clearance with the Navy, traveled to San Diego several times a year to molest children. He had met these children through contacts in CSC in California. Woodward is now in a California prison.

[At this point in the hearing, Senator Chiles withdrew from the hearing room.]

Mr. SELCRAIG. The third group on the chart focused on an individual named John Duncan. Our next witness, Joseph Henry, was a member of this group and first contacted Duncan by mail in October 1975 about finding children.

These three groups are connected by the associations of Eric Cross and Valida Davila with John Duncan and Joseph Henry, as shown by the red line.

If you look at the lower half of this chart, Senators, you will see that the different colors indicate the relationship of the children to the men who molested them. In several cases, these were the natu-

ral or adopted children of the molesters who were treated among members of the sex ring.

Under Duncan's name, you will see that he controlled Tammy, Lisa and Yvonne. He wrote Joe Henry, our next witness, about these children, and Mr. Henry will testify that when he did finally come out to California from his home in New York City to meet with Duncan, that he did, indeed, molest these three children.

You can see from the other chart that the John Duncan ring involved at least 14 men from 4 States and 2 foreign countries.

When you take a close look at this chart, you will see how these children were passed among these pedophiles. Tammy, for example, who was controlled by Duncan, was molested by at least 12 different men. Though this may appear to be a large network, I feel certain that if we developed each case, these associations would branch out further than we could ever represent on just one chart.

The pedophile network in the United States, although informal, is nonetheless far-reaching and composed of groups structured just like this. There are doubtless several groups like this operating today.

That concludes my comments about these charts.

Chairman ROTH. Your prepared statement and the charts you referred to will be put in the record.[1] Thank you Mr. Selcraig. We will now proceed, if we may, with Joe Henry. Mr. Henry, please come forward, remain standing, and give you full name.

Mr. HENRY. Joseph Francis Henry.

Chairman ROTH. Raise your right hand. Do you swear the testimony you will give before this subcommittee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HENRY. I do.

Chairman ROTH. Please be seated.

TESTIMONY OF JOSEPH HENRY, CONVICTED CHILD MOLESTER

Mr. HENRY. Thank you, Senator Roth. I'd like to thank you and the subcommittee staff for allowing me to testify about my life as a pedophile, my life of molesting children and the damage I've inflicted on my victims and their families. My testimony may be uncomfortable for some people, but it has to be that way because adults must learn to spot the Joe Henry's of the world. I hope no one thinks what I say here today is designed to win sympathy for myself. It isn't. Your sympathy must go to my victims—22 little girls, age 6 to 14—who I molested since 1949. They will likely carry these emotional scars for the rest of their lives.

I was born on December 15, 1934, in New York City. I am now incarcerated in California, where in 1978, I pleaded guilty to four counts of committing lewd acts upon children. These children were girls between the ages of 8, 9, and 10 and were molested by me and a group of men over a period of several years. The father of the 8-year-old girl is also in California State Prison because he was renting out his daughter to members of the group for $100 a session. I was one of the men who paid $100 for his daughter.

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[1] See p. 34 for the prepared statement of Bruce Selcraig.

I was a lonely and asthmatic child growing up in New York City. I had few friends and was raised by my aunt and grandmother. I saw my father three times in my life. Except for my health and my loneliness, I would say I had a pretty normal childhood. I read books, listened to classical music, went to Saturday matinees and had my favorite radio programs just like any other children.

[At this point in the hearing, Senator Nunn withdrew from the hearing room.]

[Letter of authority follows:]

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS,
Washington, DC.

Pursuant to rule 5 of the Rules of Procedure of the Senate Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, permission is hereby granted for the chairman, or any member of the subcommittee as designated by the chairman, to conduct open and/or executive hearings without a quorum of two members for the administration of oaths and taking testimony in connection with the hearing on Child Pornography and Pedophilia to be held on February 21, 1985.

WILLIAM V. ROTH, Jr.,
Chairman.

SAM NUNN,
Ranking Minority Member.

Mr. HENRY. As with many child molesters, I, too, was molested as a child. It happened when I was 12. By the age 14, I was, again, molested by the man who lived next door to me, a man who always seemed friendly and approachable. I first came to him just as someone to talk to, but after a while, I couldn't talk to him unless I also let him copulate me. It was a time of traumatic tragedy, a time for my secret sex education that would lead me into this hell called pedophilia.

By the time I was 24, I had molested 14 young girls and had been arrested twice and sent to State hospitals, once for 18 months.

During this incarceration, I never received therapy. There was never any physical force with the children I molested. The children didn't resist, but to say it was with their consent would be wrong. I know now I was harming them psychologically.

I used all the normal techniques used by pedophiles. I bribed my victims; I pleaded with them, but I also showed them affection and attention they thought they were not getting anywhere else. Almost without exception, every child I molested was lonely and longing for attention. For example, I would take my victims to movies and to amusement parks. When I babysat them, I would let them stay up past their bedtime if they let me fondle them. One little 8-year-old girl I was babysitting came over to my house one day soaking wet from a rainstorm. I told her I'd pay her $1 if she would stay undressed for an hour. This incident opened the door for 3 years of molestation.

I used these kinds of tricks on children all the time. Their desire to be loved, their trust of adults, their normal sexual playfulness and their inquisitive minds made them perfect victims. I never saw any outward emotional damage in one of my victims until 1971 when I was 36 and the manager of a nudist park in New Jersey.

I was able to see many children nude and grew particularly attracted to a 9-year-old girl named Kathy. I once bought her five Christmas presents. She was the first little girl I ever forced myself upon and the first whose molestation was not premeditated. I actually saw the trauma and the terror on her face after I had molested her. The incident made me leave the camp.

For the next 3 years, I was fighting all kinds of urges. I hadn't yet discovered child pornography, and I didn't want to just pick up children off the street. If I had not been under a psychiatrist's care at this time, I probably would have committed suicide. The doctor helped me with my hatred for my father, my fear of adult women, but he couldn't do anything for my urges toward little girls.

Around 1974, when I was beginning to hang around the 42d Street porno shops in New York City, I got my first exposure to commercial child pornography. I got to be friends with one of the porn shop owners and one day he showed me a magazine that just arrived called Nudist Moppets. They were paperback books with stories of child sex, adult/child sex. The films in the peep shows were of men with girls, boys with boys, girls with boys and a few that looked like families together in sexual activity.

Eventually, I put together a photographic collection of 500 pages of children in sexually explicit poses. Before long, films started coming in and I bought a film projector.

I started reading some of the pornographic tabloids called Screw, Finger and Love, which were filled with all types of sex stores, ads and listings for pen pals. At least one of the issues was devoted to a pedophilic theme. In one issue of Finger, there was an ad about organizations that were devoted to sexual intimacy between children and adults. I wrote to three of them—Better Life, the Guyon Society and the Childhood Sensuality Circle. Better Life and the Childhood Sensuality Circle responded, so I sent in the membership fee to join them.

I was disappointed with Better Life publication because it was on a homosexual pedophilia newsletter and my sexual interest was girls. However, in the third issue, there was an ad that had a street number to write instead of the usual coded numbers. I wrote to them, and a few weeks later, I received a letter from a man named Lance Carlson. His real name is John Duncan, and he was a central figure in the child prostitution ring I eventually got involved in.

In his first letter to me, Duncan wanted assurance I was not a cop or any other such person trying to entrap him. He also wanted to hear about my experiences, past or present. I wrote and said I wasn't a police officer. I also told him about Barbara, the first girl I molested and how I got interested in little girls. We began a long correspondence. This was in October of 1975.

Duncan began telling me about two girls he was molesting at the time, Tammy and Lisa, ages 8 and 9. He also sent me their nude photos. It was only after I successfully returned his nude photos that he began to trust me and get into very explicit details about his molestation with the girls.

I was desperate for friendship, someone who understood my obsession with children. My letters to Duncan ran as long as nine-typed pages. I would sign them, "A fellow little girl lover." I of-

fered to trade photos. I even gave him my phone number, and he called me collect.

In February of 1976, I wrote Duncan telling him I planned to travel to California in the summer and would like to attend a "child sex orgy," and I would be very glad to pay for this privilege. I wrote him, "I want to assure you that I can keep my mouth shut." He began telling me so many things about Tammy and Lisa and implying they would be available for me if they liked me when I came to California. I began sending Duncan money and presents to give to the girls. Duncan also told me about a "cute blue-eyed blond." He was referring to 8-year-old Yvonne who Duncan said I would be abie to have sex with for $100 a session.

I finally traveled to California on July 1, 1976. Duncan brought Tammy and Lisa over to my motel where I was staying. That day, I could not have the children alone to myself because Duncan had arranged for another member of the ring to molest them. Several days later, Duncan and I molested Tammy and Lisa in my motel room. Then we went to a nearby park where I pushed the girls on some swings. While we were there, Duncan met with Yvonne's father in the park and apparently was arranging for me to rent his daughter.

A few days later, after paying Duncan the $100 that we agreed would be given to Yvonne's father, I had this 8-year-old to myself for about 6 hours during which time I molested her. When I was unable to take Yvonne home that night because I didn't have a car, Yvonne's father phoned my motel room and said that since I was keeping her overnight, it would cost me another $100.

At that time, this was the height of my pedophilic experiences. It was a dream come true. After returning to New York, I wrote Duncan and described what the trip meant to me.

I really don't know what I enjoyed the most of all the wonderful things that happened, there were so many of them to choose from. If it wasn't for all the photos here on my desk, I would think it was just a fantastic dream. I will always be grateful to you for taking me out of hell and giving me a brief taste of Heaven.

I recount these letters, Senator, not to appear sensational, but only to try and convey how deep my obsession was. I spent virtually every waking moment thinking about the children I molested. This type of letter writing is very typical with pedophiles. Some pedophiles survive through explicit letters and the purchase or trading of child pornography because live victims are not always available. These letters were a release for me. They allowed me to relive everything with Tammy, Lisa, and Yvonne. I wasn't sure I could go through with actually paying someone to have sex with their daughter. It was obvious Yvonne had been rented to several other men. The first thing she said to me that night that I had her alone was, "What would you like me to do?" The next day when her father came to pick her up, the first thing he said was, "Did you cooperate?"

You might wonder what are these children really like. How do they act when they are with a group of men who are molesting them? Truthfully, they are manipulated psychologically to such a degree that their facial expressions are blank, as though they are saying, "Just get it over with."

Do they cry or fight off my advances? Usually not. Remember, in the child's mind, they think they are as guilty as I am. They know other little boys and girls don't do this, so they must not be good children. They are overwhelmed with shame most of the time and simply comply with the wishes of the adult. Can you imagine what must have gone through the mind of little 8-year-old Yvonne as her father would deliver her to yet another strange man who would keep her for a few hours at a time, molesting her whenever he had the urge to do so?

One of my most vivid memories was of Lisa during my second visit to California. The second time I saw her, it was obvious someone in the group had brutalized her, possibly raped her. She told me she didn't want to be photographed and said several times, "Please don't hurt me. Just don't hurt me."

Yvonne's father is now serving a 14-year sentence in California State Prison. I understand from reliable sources, Yvonne may never be normal again.

During this time, 1975 and 1976, I was actively involved in the San Diego-based pedophilia organization, the Childhood Sensuality Circle, which I understand your subcommittee examined briefly in your hearings last November. I corresponded with Valida Davila, the head of the CSC, and did some typing for her. As was the practice with the CSC, Davila also put me in touch with other pedophiles. I can't stress enough that this group and others, regardless of their publicly stated goals, are in practice little more than contact services for pedophiles. These groups serve as a reinforcement for pedophiles and a constant source for new friendships and, thus, a supply of new victims.

By November 1976, I was back in New York when I received a phone call from a man named Eric Cross. Cross was a friend of John Duncan, and he said he understood I was looking for a woman with small children who would agree to marry me so that I could be a father and feel like an adult, not just to molest children. At that time, I had no idea who Cross was, but I later learned he was a child pornographer, publisher of Lolitots magazine, and a pedophile with connections not only through the United States, but in several foreign countries as well. I understand he is now in Florida State Prison and facing a Federal trial on charges of distribution of child pornography.

I went to Los Angeles in the fall of 1977 to meet with Cross. For several nights, I met with Cross to look at child porn photos he was sending out of the country. Cross and I were at a motel examining photos of naked children that he was sending to a source in Canada. As we left the hotel one night, we were arrested. The police had to release me through lack of evidence, and I was able to return to New York, but some weeks later, I was rearrested in New York by U.S. Customs agents.

After my arrest, I learned that numerous other men had come to Los Angeles and San Diego from 1974 to 1976 to molest children John Duncan made available to us. Various motels and homes of two of the men were used as locations for the molestation. The children were also photographed during sessions with the men.

Although I did not participate in this, one of the men, I can't be sure which, apparently sold photos to the Dutch child porn maga-

zine Lolita because in the Lolita issues 29, 30, and 31, there are shots of Tammy and Yvonne in various explicit poses.

I cannot begin to imagine the damage that was done to these children by what I and others did to them. Like the alcoholic, there is no known cure of the pedophile. The pedophile must realize he has a problem and wants help. That is the first step, and that's why the therapy I am now receiving at Patton State Hospital in California has played such a big part in why I am here today.

There are some lessons parents should learn from my story. First of all, parents should establish a kind of relationship with their children where they feel comfortable coming to their parents with any problem. I know that's easier said than done, but particularly in the area of child molestation, parents should emphasize to the child that he or she will never be punished for telling about such activities.

Parents should not be paranoid about their children having friendships with adults, but they should use common sense. Say, for example, there is an adult friend in the family, a neighbor, a coworker, someone from church or school, and they are lavishing attention on your children, like bringing gifts to them when they come to the house, offering to take them to the parks, ball games, that kind of thing, yet they don't do these activities with the parents or other adults you trust, well, that's at least worth questioning.

I know how uncomfortable that may sound. What I just have said may describe one of the closest friends some people have.

It describes the relationship I had with my victims' parents, but the key is the true pedophile will want to be alone with your child, not just around while you are there, but alone.

Now, obviously, the other vital element in the equation is the child. If the child shows any resistance to being left alone with this family friend, maybe you should consider why. Maybe it's not just normal childhood fear of being left by his parents. That's why it's important for children to know they can come to their parents about anyone, even one who is mommy's and daddy's best friend.

No matter what is done, there will never be an end to child molestation, but if every State had a therapy program like Patton State Hospital, not simply prison, at least for the first-time offender, we may be able to turn him around so he will not again molest children.

It may occur to some here today to ask if I am able to calmly recount my history and take all the blame for these crimes I've committed, that maybe there is hope for curing pedophiles. I am here to tell you I don't know if that is true. All I know is that pedophilia is wrong. I know that in my gut, but what the future holds for me I cannot honestly say.

I thank you for letting me appear today.

Chairman ROTH. As you can well imagine, your story is one that is, in many ways, to all of us unbelievable and reprehensible, but I do want to say that in view of that, I also think it takes courage on your part to come here today.

Mr. HENRY. Thank you, Senator.

Chairman ROTH. And I hope this is a major step forward in your rehabilitation. In your final statement, you make two points that I

think are significant about the relationship between parents and their children. You point out that parents should be concerned, particularly about those individuals who, for one reason or another, want to be alone with the child, that that's critical to the pedophilia relationship.

Mr. HENRY. Yes, Senator.

Chairman ROTH. And, second, you make the equally valid point that I think is worth underscoring; that in these circumstances, the parents should try to find out why a child may show resistance in wanting to be left alone with a presumed family friend. So there are two, I think, very worthwhile points to underscore.

You mention in your statement, one child was being sold by her parent, a situation that is unbelievable and outrageous. The question I would like to ask you, do you think this was fairly true of most of your victims? Were the parents aware of the situation, or what?

Mr. HENRY. The victims I've had out there—excuse me, that I have been arrested for in California, it is definitely my opinion the parents knew what was going on because I paid $200 to Yvonne's father for the use of his daughter. When I went to meet Tammy's and Lisa's mother, John Duncan told me how can I explain another man to her? I know parents knew what was going on.

Chairman ROTH. You think in your experience most times they were paid or not paid. Were the parents aware of the situation?

Mr. HENRY. Yes, sir.

Chairman ROTH. Was that true in the case of the New York victims?

Mr. HENRY. No, sir.

Chairman ROTH. In those cases, the parents were not aware?

Mr. HENRY. No, they were not aware, and on several occasions when they became aware, they just flatly told me to stay away from their children. Charges were never pressed in many cases because the parents did not want to cause any trouble, and that is another thing that has to be brought out to parents. By not pressing charges against a pedophile who molested your daughter, you are setting that man up to molest another child.

Chairman ROTH. Yes, that's a very valid point; a very bothersome point.

What role do you think child pornography has played in your life?

Mr. HENRY. With some pedophiles, it is a stimuli to have other victims. And in some cases, a pedophile will show pornographic pictures to a child. In my case, with still pictures, it helped ease the tension. With the films, it was a stimulant to seek and reestablish actual relationships with a child.

Chairman ROTH. You mentioned that in some cases, pedophiles will show pornography material to children. Is that to help justify the conduct and the actions?

Mr. HENRY. No, it is to diminish the child's resistance.

Chairman ROTH. To minimize their resistance by showing that this conduct is being done by others; is that what you mean?

Mr. HENRY. Other children.

Chairman ROTH. So that it's an acceptable behavior?

Mr. HENRY. If a pedophile wants a little girl to do such an act and she says no, he can show, well, this little girl is doing it and show her a picture.

Chairman ROTH. So there is, in your judgment, a direct link——

Mr. HENRY [interposing]. Definitely.

Chairman ROTH. Between child pornography and a pedophile promoting his conduct with a child?

Mr. HENRY. Yes, Senator.

Chairman ROTH. You said you joined the Childhood Sensuality Circle, a propedophilia organization based in San Diego headed by a woman named Valida——

Mr. HENRY [interposing]. Davila.

Chairman ROTH. Valida Davila. Tell us a little bit about this group and the role it plays in putting pedophiles in contact with each other.

Mr. HENRY. When Davila answered my letter, she sent me an application form to send out and told me to make four more copies, Xerox copies, of my application and mail that with $25 for membership. I later learned the other extra copies of the application were sent to different pedophiles and in return, I got copies of other pedophiles' applications, and then it was up to me if I wanted to correspond or not.

Chairman ROTH. Is that organization still in existence, as far as you know?

Mr. HENRY. I understand it is temporarily suspended because the San Diego County Sheriff's Department confiscated Davila's mailing list. As far as I know, it is mostly out of business.

Chairman ROTH. What about other organizations, are you familiar with any others?

Mr. HENRY. I know of one; it's in Boston. The North American Man-Boy Love Association. There is the Rene Guyon Society. There is another society I just heard about called Wonderland based on Lewis Carroll's pedophilic tendencies.

Chairman ROTH. Let me ask you this: Do you feel this kind of organization plays a significant role in encouraging child molestation? Is there a large underground community of pedophiles——

Mr. HENRY [interposing]. Yes, there is.

Chairman ROTH [continuing]. That encourage——

Mr. HENRY [interposing]. Yes, there is an organization in England called PIE, Pedophilia Information Exchange, and you can get contacts all through the world with them.

Chairman ROTH. Are you saying to me that you can go to any large community and be put in contact with people of——

Mr. HENRY [interposing]. If you know who to contact, yes.

Chairman ROTH. So this is a fairly substantial underground promoting this activity?

Mr. HENRY. Yes, it is, Senator.

Chairman ROTH. Let me go back for a moment to your victims. Are you familiar with what has happened to any of those young children?

Mr. HENRY. I heard they were having treatment in a child center in California, my three victims here in California. One of my victims was my cousin Patricia who I had molested over 3 years. They are all adults now, but I understand Patsy has come completely re-

versed in her personality that she was as a child. She is now a cold, frigid woman. She cannot establish any long relationship with an adult male, and I definitely base that on molestation of her when she was a child.

Chairman ROTH. Do you think your molestation as a child was a factor in your adult behavior?

Mr. HENRY. To a certain extent, yes, but it is my belief that my childhood sweetheart, in not playing doctor games, led to my fixation of wanting to see little girls' vaginas.

Chairman ROTH. Did you ever photograph the children you molested and then later traded in exchange those photographs?

Mr. HENRY. Yes, Senator.

Chairman ROTH. Is that a common practice?

Mr. HENRY. Yes, it is. Some pedophiles exchange photographs of children they have known.

Chairman ROTH. Did you ever secure child pornography from abroad or send any pictures to magazines or publishers abroad?

Mr. HENRY. No, sir; I did not.

Chairman ROTH. Let me go back for just a moment to the therapy at Patton State Hospital. How do you think that has helped you?

Mr. HENRY. Through the group sessions with other pedophiles, I have come to realize the problems I have had in growing up are common with a lot of other pedophiles, and during the groups, we discuss various problems that we have and we relate. The staff of Patton has helped me get over my fear of talking to adult women. I now feel equally with them. It has brought up my ego. My low self-esteem is higher now. Those are some of the basic traits of a pedophile. He has low self-esteem, low self-worth.

Chairman ROTH. I believe that's all the questions I have. I hope you will continue with your rehabilitation and continue in your efforts to find ways and means to correct the situation that you have so vividly described.

Mr. HENRY. Thank you, Senator.

Chairman ROTH. We will temporarily suspend for just a minute.

[Brief recess.]

[Senator present at the call of recess: Senator Roth.]

[Senator present at the convening of the hearing: Senator Roth.]

Chairman ROTH. The subcommittee will be in order. Our next witness will be Rainer Hernandez, who will be accompanied by his father and mother, Mr. and Mrs. Raul Hernandez. First of all, please come forward, and under the rules of our subcommittee, everyone has to be sworn in. So would you all three please raise your right hand?

Do you swear the testimony you will give before this subcommittee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. RAINER HERNANDEZ. I do.

Mrs. HERNANDEZ. I do.

Mr. RAUL HERNANDEZ. I do.

Chairman ROTH. Please take a seat. First of all, I want to express my great appreciation to each of you for being here today. I know that you have not only come a long ways geographically to be with us today, but to have the courage and the conviction to speak out

in public about this horrendous problem. It takes an unusual, remarkable family.

I know that by your being here today that you are displaying publicly that you have overcome what has to be one of the worst situations or circumstances any family can face. I just want you to know how much all of us here appreciate the very affirmative role you are taking by your attendance.

At this time, I would ask you, Rainer, to proceed with your statement.

TESTIMONY OF RAINER HERNANDEZ, VICTIM OF CHILD MOLESTATION, ACCOMPANIED BY MR. AND MRS. RAUL HERNANDEZ

Mr. RAINER HERNANDEZ. Senator Roth, I would like to thank you for allowing me this opportunity to appear here today to talk about the effects of a 4-year ordeal——

Chairman ROTH [interposing]. Rainer, can you pull the microphone a little closer and speak a little louder?

Mr. RAINER HERNANDEZ. I would like to thank you for allowing me the opportunity for being here today to talk about the effects that a 4-year ordeal of child molestation at the hands of my uncle has had on both myself and my family.

I might first like to mention that though this testimony is difficult and makes the three of us relive some terrible experiences it is something that we want to do.

When this all came out in the open 2 years ago, we vowed that we were not going to ignore our crisis, and since that time, we have tried to talk honestly and openly with anyone who really wants to listen, and maybe even with a few who don't, like some of my relatives, which I hope some day they'll listen to us as well.

My name is Rainer Hernandez. I'm a 21-year-old college student at the University of California at Santa Barbara. I am a survivor of molestation and pornography abuse that occurred from the ages of 12 to 16. The man who committed the crime, my uncle, Alex Hernandez, was a law-abiding, active member of the the community who committed these crimes for a number of years within the midst of those who he worked and within a very closely knit family.

For those unfamiliar with pedophiles, my uncle may seem unstereotypical. To my knowledge, he never lurked around school playgrounds offering candy and puppy dogs to small children. No; Alex was much more sophisticated than that. He had access to hundreds of children in an official capacity. He was a former scout leader, a former Big Brother with Catholic Charities, an elementary school teacher, and a school counselor trained in child psychology. He used to take scores of boys on overnight camping trips, each one carrying a signed permission slip from their unwary parents. On some trips, the parents actually paid Alex to sponsor the activities.

He was a master of manipulation, not only with the child but with the parents as well. He would sit and talk with the parents for hours, sometimes making no reference to the child, but by the end of the evening, he had convinced the parents that their child

needed special tutoring in math or English that only he could provide in his home.

We have no way of knowing how many children were molested by my uncle. He was convicted for molesting five children and sentenced to 6 years in prison, but, for example, in my case, the incidents of child abuse had already passed beyond the statute of limitations. How many children were there just like myself?

When I was 12, I often spent weekends and holidays at my grandmother's house, and on the lot where she lived, there were two other houses. My uncle lived in one of them. At the age of 12, I later learned I was just entering this particular pedophile's preferred age group. He began taking an interest in me. He started taking me to ball games with other kids and with other younger family members, and then began taking me to movies by myself.

When I was at my grandmother's house, he would offer to let me spend hours over at his house playing with an assortment of toys, hobbies, and sports equipment which would have fascinated any 12-year-old kid. He let me be alone in his house also so I would become comfortable there.

The next step he took in grooming me for sexual exploitation was with photography, which I have now come to learn is a staple of many pedophiles' existence. At first, he took pictures of me clothed, and since everyone knew about Alex's interest and skill in photography, this seemed perfectly normal and, in fact, my family was delighted with the first photographs they received of me.

Alex then coaxed me to take off more of my clothes. First it was my shirt. He explained how simple and easy it would be. He told me that it would be fun. Then he wanted me to try it without my jeans. Later it progressed to my changing into and out of swim suits and then without my underwear. Finally, fully naked. Then he had me pose naked in front of a camera.

Methodically, always careful to make sure that he could go safely to the next step without my running out of the house, Alex led right up to the first incident of molestation, which began with fondling and then led to all the logical sexual acts that could follow.

It is almost impossible to describe to people who have never experienced this how masterfully a pedophile like Alex can control a 12-year-old child. He was able to make me feel as if it were myself suggesting what pose or what activity to do next. He never physically threatened or coerced me, at least not at first.

It was during the first incident of molestation that I felt this appalling realization that I had done something terribly wrong. I felt shame, guilt, and sadness; that I had committed a dirty thing against my mom and dad who loved me so much and would be so disgusted with what I had done with this man. I assumed all of the guilt for what happened. I knew that it was myself that had to be responsible for this.

Alex realized that this first incident was the pivotal point of my victimization. This was the one time when he knew that he had to act to maintain his control over the situation or I might have left the house and told someone. So my uncle, the school counselor, the man who counseled hundreds of children before me, made me stand before him naked, while he sat on a bar stool in front of me,

also naked, and for 45 minutes he subjected me to a lecture about how what had happened between us was completely legal, that I had nothing to be ashamed of. But he went further than that. He told me not to tell anyone and that if I ever did, not only would he go to jail, but that I would get in trouble, and that my parents would hate me.

Please just think for a moment what this can mean to a 12-year-old child who cherishes his parents. It feels that he's done something which would make them completely disgusted with him. My parents would hate me if they were to discover. They would punish me if I told them. Alex accomplished what he wanted—I remained silent for 6 years.

I was deathly afraid to confess my shame to anyone. I would go to confession, but could never bring myself to admit what had happened. I hoped the guilt would be cleansed under the guise of confessing to the priest those sins which I cannot remember.

The molestation continued for 4 more years, sometimes every other weekend, sometimes more or less frequently. I understand that the first and very understandable reaction anyone would have upon hearing this is why doesn't the child simply walk away from it all? How could I have continued to keep visiting Alex?

Almost identical methods of seduction have been performed on thousands of kids across our country. I kept visiting my uncle, even after I knew that there was nothing in store for me but sexual abuse because I thought that's what I was meant to be used for. I felt guilty and horrible. I felt out of place in my clean, loving, trusting home. I didn't belong there with good people. I belonged somehow somewhere else.

I hope that at least partially explains what is going through the mind of a child who continues to allow himself to be molested.

Finally, at age 16, I realized that I was growing out of Alex's age of sexual preference. Two years later, I finally confided my secret to a close aunt, whose child Benji and another cousin of mine, Mikey, would soon become targets of Alex's interest. I'm grateful that I went to her. She supported me in the difficult decision I had made that I had to tell my parents. Alex had to be stopped.

That evening that I spent telling my parents was the most painfully, crushing thing I had ever experienced. I never wanted to do anything that would hurt them. I was always confident that they loved me, and I know now that this is the only thing that has gotten us through all of this. Without it, I wouldn't have survived and have the healthy outlook on life which I feel that I have today.

The police were contacted immediately. Los Angeles Detective Bill Dworin, who I understand testified before your subcommittee last November, interviewed me. Alex was arrested several days later. They found thousands of sexually explicit photos of young boys in his home and also many foreign child pornography magazines and films. I'm not aware of his having been involved in any kind of pornography ring, but he did subscribe to at least one foreign child pornography company. On two occasions, he showed me films of young boys my age involved in sexual orgies. Several times, he allowed me to see imported sexually explicit material featuring young boys my age. Eventually he confessed to having molested 5 children; but it took 2 more agonizing years through the

court system before he was finally found guilty and sentenced to only 6 years in the State prison.

We've tried to deal honestly and openly with what has happened to us. We refused to cover it up and let it pass unnoticed. Because of this, an entire extended family has strained and become splintered. We were ostracized and rejected by some of the family members who had been such a strong foundation of support throughout the years. The aunt in whom I confided also succumbed to family pressure and eventually withdrew her support from me.

My father explained to me how important it was that we sit through every single court session involving Alex. So postponement after postponement we were there. It wasn't vengeance on our part. My father explained to me that because my particular case fell beyond the statute of limitations that I would never gain real justice from the court system. We watched and listened even as years of abuse were made to sound as though Alex had accidentally touched me in the wrong places a few times.

My only consolation was knowing that by my coming forward, Alex has temporarily been stopped from what he was doing.

As tragic as all this is, it could have been so much worse. I truly am one of the lucky ones. My parents never rejected me. They loved me then and they love me now. It's also taken us 2 years of indepth counseling to get where we are now. I can't stress enough how crucial it is that all molestation victims receive counseling. Perhaps it should be mandated as a part of a child molester's sentencing that he pay for the victim's counseling. I certainly don't have very many answers; but I know that the system often does not work, and when the system doesn't work for a child who has been molested, it can be an immeasurably devastating thing.

I want to thank you again for allowing me this opportunity to testify. I would like to answer any questions you might have.

Chairman ROTH. Thank you very much. Your testimony is, of course, very eloquent. I think it spreads a word of hope to others who may be going through the same kind of difficult situation. I listened to what you said this morning when you and your family were in my office; it showed me that a family through love and care can overcome, as you and your family have, this terrible experience. I think you give some hope and encouragement to others who are perhaps facing the same kind of ordeal.

I would like to ask what advice would you give to a young child in this set of circumstances? What do you think, based on your experience, would be the most important thing for them to learn?

Mr. RAINER HERNANDEZ. I think the most important thing for a child to somehow realize is that in no way is the child at fault for what occurred. The adult is the adult and the adult is responsible for his actions. The adult is responsible for a child and when something happens to a child like this, in no way is it the fault of the child.

I would also suggest that it's very important for the child somehow to communicate to someone what has happened to them. The child must communicate either to their parents or, if they can't go to their parents, to some trusted adult, perhaps a school official, someone, because the child needs an adult, needs adult support to help them so that what is happening to the child can be stopped.

Chairman ROTH. I think few people realize how the child is actually made to feel that he is the guilty one, which was very vividly brought out by your testimony.

Let me ask you, how did your molestation affect you in school and your relationship with your friends and family?

Mr. RAINER HERNANDEZ. The very age that I was molested, which was 12 years old, was exactly the time that I began to have problems in school. First, I had problems academically, keeping my grades up, but where I think the problem surfaced most of all was with my relationship with peers of mine. I began to develop feelings of self-worthlessness, and I had a difficult time becoming and maintaining friendships with my peers because I knew that for what has happened to me, I knew I was different. I felt that I was ugly, and I was a bad kid. So my studies were affected. I eventually became sort of a loner child. I fell away from friends. I had very few friends. It has also affected my relationships, my social and personal relationships up to the present which concerns I have addressed in counseling and I am working on and made great progress in, but this kind of thing stays with you and I think it stays with a person for as long as they live because one can't change the fact of what has happened and what's passed.

The memories are always there. The realization of what happened to you is always there, but it does affect you and it affects you in your work and affects you in your relationships with other people.

Chairman ROTH. You should also recognize that you have shown great character, great capability of overcoming a problem that, thank God, few children face. So this makes you an outstanding individual.

I am going to ask staff director, Mr. Rinzel, do you have any questions?

Mr. RINZEL. Yes, Senator, I have. Mr. Raul Hernandez, you have submitted a statement for the record in this matter, and in that statement, you indicate your view is, you thought the legal proceedings involving your brother were a farce. I wonder if you could explain to the subcommittee why you had those feelings and what you went through that resulted in that description?

Mr. RAUL HERNANDEZ. I think the very fact you can see it took almost 2 years for my brother to finally be sentenced that every month that we went before the court, the witnesses were there, the defense attorney was there, the prosecuting attorney was there—all the particulars to the case was there. The system works perfectly for the criminal, but when a lawyer can stand up and say, I have a cold and the judge will postpone this case for another month, time after time after time on such inadequate things, it seems like a farce to me. It's an injustice to the children to have to go through this over and over again.

Mr. RINZEL. Did you come to the conclusion that the defense attorney in that case was attempting to delay the proceedings time and time again in the hope that you would eventually drop the charges or lose interest?

Mr. RAUL HERNANDEZ. I not only had that feeling, I was given that impression by the attorneys that were there, prosecuting attorneys, and that was a tactic he was using—delaying.

These people came from backgrounds that financially didn't allow them to leave their work to support—they would have to take a day's loss of wages, which the type of people they are, that is the very groceries they put on the table. How often can you bring your children down? That was the tactic.

Mr. RINZEL. You are talking about the parents of the other victims?

Mr. RAUL HERNANDEZ. Yes, eventually two of the victims totally just dropped out and on one occasion, I believe two of the charges were actually dropped.

Chairman ROTH. Could I interrupt? You were asked a question of these other victims. What success have those children, those victims had in being rehabilitated?

Mr. RAUL HERNANDEZ. I believe the system fails the victim again. There are no provisions within the system, as I see it. I did for my family what I thought was right. My son needed help. We found it; we are going ahead with it. He shall continue in that vein. Myself also. But these children, the other victims received a few hours of counseling and that was it. I would call them and search and find out what was happening, how they were getting along and nobody, no system is set up to help the victims, to see that these children are adequately taken care of.

Mr. RINZEL. How important has counseling been to you and your family? Maybe you or Mrs. Hernandez might be able to tell us about that?

Mr. RAUL HERNANDEZ. I think without counseling, we wouldn't have come as far as we are now. It is the primary tool available to the victim and to the victim's—certainly we are victims of his molestation. My whole family is shattered because of it. I haven't talked to my mother in 2 years on account of this. We are all victims of the single act.

Mr. RINZEL. Are there any characteristics of pedophiles or things that you would urge parents to be alert for in recognized situations such as you and your family went through?

Mr. RAUL HERNANDEZ. Yes, we have learned that the children leave signs. They definitely try to overcome the guilt, everything that they are carrying with them as a part of the crime. But they do leave signs that the parents do not notice. The parents, and what we hope we are doing now is bringing an awareness to the parents, look for the signs. If your child all of a sudden changes, like my son did, in school, his grades dropped off, other children were further beyond that, their very characters change. They become belligerent; they drop out of school; they take on animosity toward their parents. That is what has been described to me as we are the authority figures, it was an authority figure that molested the child. Look for those signs.

Chairman ROTH. Mr. Rainer, I would like to ask you one further question. You mention in your testimony that you were on occasion shown child pornography. What do you think was the purpose of showing that to you? Was it to make you accept the conduct as being normal or why?

Mr. RAUL HERNANDEZ. I believe that Alex used pornography and showed me pornography, especially in the initial stages of the molestation, he used it—films and photographs that he had taken and

also photographs in magazines, in books—to try to convince me that it was, what he was showing me was what other kids were doing as well, and that these things happen.

I think what he was trying to do was make me a little bit more comfortable with what he was trying to do with me by showing me photos of children doing it, too. He showed photos of children in sexual acts and children in playful acts to try too, I think, to get me to identify with what was happening, to ease my fears and my inhibitions about what it was that I felt that he was trying to do to me.

I think he definitely did use that to assist him in molesting me.

Chairman ROTH. I think that concludes the questions we have. Again, I want to express my great appreciation for all three of you being here today. I know it takes tremendous courage. I think the very fine thing about it is the point I made earlier. I think despite the horrendous experience, today by your coming here as a family, you are giving hope to other people, and I think that's a very important message because tragically there are other young boys and girls facing the same kind of problem. You have shown that you have the strength of character that you can overcome this experience, even though it leaves its scars. I just hope each one of you depart from here that you know how grateful we are that you are here and how much we appreciate your courage and the fact that family love can overcome even this kind of ordeal. Thank you very much.

Mr. RAINER HERNANDEZ. Thank you very much.

Chairman ROTH. Next we will have a panel of witnesses from the State Department. We have Elliott Abrams, Assistant Secretary of State for Human Rights and Humanitarian Affairs; Deputy Assistant Gary Matthews; representing the U.S. Customs Service is Larry Sheafe, Chief of the Office of Investigations; Jack O'Malley, special agent from the Chicago office. Mr. O'Malley testified before us in November. And, finally, we have representing the U.S. Postal Service Daniel Harrington, General Manager of the Postal Inspection Service investigations.

Gentlemen, if you would all please stand and raise your right hand.

Do you swear the testimony you will give before this subcommittee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ABRAMS. I do.

Mr. MATTHEWS. I do.

Mr. SHEAFE. I do.

Mr. O'MALLEY. I do.

Mr. HARRINGTON. I do.

Chairman ROTH. Thank you. Please be seated. Mr. Abrams, would you lead the discussion, please? Your complete prepared statement will be put in the record.[1]

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[1] See p. 39 for the prepared statement of Elliott Abrams.

TESTIMONY OF ELLIOTT ABRAMS, ASSISTANT SECRETARY OF STATE FOR HUMAN RIGHTS AND HUMANITARIAN AFFAIRS, DEPARTMENT OF STATE; GARY MATTHEWS, SENIOR DEPUTY ASSISTANT SECRETARY FOR HUMAN RIGHTS, DEPARTMENT OF STATE; LARRY SHEAFE, CHIEF, OFFICE OF INVESTIGATIONS, U.S. CUSTOMS SERVICE; JACK O'MALLEY, SPECIAL AGENT, CHICAGO OFFICE, U.S. CUSTOMS SERVICE; AND DANIEL HARRINGTON, GENERAL MANAGER, INVESTIGATION DIVISION, U.S. POSTAL INSPECTION SERVICE

Mr. ABRAMS. Thank you, Mr. Chairman. I am pleased to be here today on behalf of the Department of State to testify as to the activities and efforts we have undertaken since your previous hearing on November 29. We followed up on the November 29 hearing by establishing on December 4 an interagency group to combat child pornography.

We consider child pornography a worldwide problem. For this reason, I was chosen to chair the interagency group, and we held our first meeting on December 17, 1984. Members of the group are in the State Department, Department of Justice, FBI, Customs Service and Postal Service. We considered it very important to move quickly to hold intensive discussions with officials in The Netherlands and Denmark, countries which have figured in the exportation and reexportation of child pornography to the United States.

Accordingly, an interagency team visited those countries, plus Sweden, during the period January 15 through 18 and the team was led by Mr. Matthews, the Senior Deputy Assistant Secretary in the Bureau of Human Rights and Humanitarian Affairs.

I would like to underscore the extent to which the Dutch, Danish, and Swedish officials share our view of the seriousness of the problem posed by child pornography and the role which it plays in the sexual abuse and exploitation of children.

We made it clear throughout our discussions with these officials that we in the United States faced a terrible problem in this regard and that we first and foremost wanted greater and closer cooperation to address our problem. We equally indicated that the dimensions of this ugly problem clearly were broader than any one country, hence our emphasis on increased measures to address it on a comprehensive, international front.

I would also like to emphasize that the U.S. Ambassadors to all three countries take a strong personal interest in our shared efforts to address the problem of child pornography; furthermore, each embassy now has a designated officer as the primary point of contact both for those U.S. agencies working on aspects of the problem, as well as for the necessary liaison and followup with the respective host country officials.

In The Netherlands, the team began its day of discussions by meeting with the Justice Minister. He assured us of his government's willingness to cooperate with the United States in combating child pornography. Minister Korthals-Altes stressed the importance of a bill, currently before the Dutch Parliament, whose expected passage in April or May of this year will considerably facilitate the prosecution of child pornography distributors.

The team also discussed the Dutch suggestion that we explore ways to utilize the 1983 United States-Dutch Mutual Judicial Assistance Treaty in our exchanges on child pornography.

Finally, the United States and The Netherlands will set up a formal program of bilateral cooperation to combat child pornography with the designation of policy-level officials on both sides to act as central coordinators. Specifically, we envision prompt exchanges of information, including that of evidentiary nature with chain of custody materials and the sharing of investigative reports in which U.S. consumers of child pornography confirm their receipt of such materials from a given address and purveyor.

In sum, it is our belief that the Dutch Government has been forthright and responsive in regard to the concerns raised by this subcommittee and by the interagency team about child pornography, and that it will be cooperating actively in our continuing efforts to combat this most terrible problem.

In Denmark, the team also had very thorough discussions with all relevant Danish authorities, again stressing the importance of interrupting the flow of child pornography at the distribution as well as the production stage. Our Danish interlocutors assured us of their desire to work closely with the United States and others in addressing the problem. Indeed, I am pleased to report that just recently, on February 9, it was reported that the Danish authorities, using the list of addresses of suspected distributors of child pornography which the U.S. group delivered during its mission, have moved to prosecute three persons described as managers of a publishing firm called COQ International, charging them with producing and selling child pornography.

At the team's final round of discussions in Stockholm, the U.S. side again enjoyed a well-prepared, thorough talk with all relevant Swedish authorities. The Swedish side noted that it had investigated suspected child pornography dealers, utilizing information provided earlier by the United States, but had as yet found nothing prosecutable as child pornography.

Sweden wishes to receive further information from the United States on a timely and regular basis. The U.S. side acknowledged the considerable progress which Sweden has made in recent years in diminishing the flow of child pornography within and out of Sweden.

Let me conclude by stating our belief that the formation of the interagency group and the mission of the interagency team can be regarded as concrete measures which will produce concrete results.

In addition to greater mutual coordination and a strengthened structure of cooperation with the governments concerned, the U.S. side has invited appropriate representatives of those governments' judicial and law enforcement agencies to come to the United States to study investigative methods in dealing with child pornography. We will also be increasing our information exchanges both through the timely provision of relevant information and materials, for example, via our customs officials in Bonn, as well as in directed exchanges between policy-level officials of our respective governments.

Clearly, we cannot afford the slightest pause in our combined efforts to get at the producers, purveyors and users of child pornogra-

phy. We must frankly acknowledge that success in combating the flow from one place may only divert it to another.

Nonetheless, it is encouraging to note that the enhanced cooperation and coordination on the part of all concerned U.S. agencies can now be considered as matched, in turn, by exactly this kind of shared effort on the part of the Dutch, Danish and Swedish Governments. We look forward to working with this subcommittee in addressing the child pornography problem on this wide, systematic, and international basis. Thank you, Mr. Chairman.

Chairman ROTH. Thank you, Mr. Abrams. I think what we will do is go ahead and ask Mr. Sheafe to make his statement. Mr. Sheafe, why don't you proceed. If you want to summarize, we will include your entire statement in the record as if read.[1]

Mr. SHEAFE. Thank you, Mr. Chairman. I do have a summary of the extended statement we have submitted. First, I would like to thank you for inviting me here to represent Customs today. When the Commissioner of Customs first spoke at a White House meeting on obscenity in March 1983, he expressed his dismay at the lax enforcement of our Nation's obscenity laws up to that time, believing that our Nation's moral health was at stake. He committed the Customs Service to a renewed emphasis to stop the flow of pornographic materials into this country.

Twenty months later, Commissioner von Raab appeared before this subcommittee and reported that Customs' increased efforts in this area were having a significant impact on the illegal importation of those materials, particularly child pornography. Customs is stopping hundreds of obscene books, magazines, films, video tapes and other materials daily. More importantly, we are identifying previously unknown pedophiles in the community and putting these criminals, who abuse our children, behind bars.

Following the subcommittee's hearing on November 29, it was considered essential to undertake an enhanced international effort to deal with the child pornography problem, and to achieve closer coordination among the various U.S. Government agencies concerned with the problem.

You have already been provided with a detailed diplomatic account of the interagency European trip in January 1985. I would like to briefly elaborate on issues raised by the trip and specific emphasis on Customs' enforcement effort.

In January 1985, the task force visited several countries in Europe to emphasize to their governments the extent of our commitment to halting this hideous trade, and to encourage their assistance. The interagency group included two U.S. Customs agents—Mr. O'Malley from our Chicago Office of Investigations and one from the U.S. Customs Office in Bonn, Germany.

The Bonn office has become increasingly active in pornography investigations in recent months, including cases in which an agent acted in an undercover capacity in assisting foreign law enforcement officials.

All of the countries visited by the team are in the geographical area of responsibility of the Customs attaché, Bonn. Consequently,

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[1] See p. 45 for the prepared statement of Larry B. Sheafe.

the office is the cornerstone of Customs pornography enforcement efforts in Europe.

The anticipated opening of a new Customs Office in Rotterdam, which has been delayed pending concurrence by the Dutch Government, will significantly assist the Bonn office in their efforts.

In Holland, the Dutch Minister of Justice met with the team and opened the session by assuring the United States of Dutch willingness to cooperate in combating child pornography.

One practical problem faced by Dutch law enforcement personnel is the fact that production sites are well concealed and when they are discovered, it is almost essential, for purposes of criminal conviction, to apprehend the producer in the act of abusing an unwilling child.

As strange as that may seem, this unwillingness on a child's part is in some judicial districts in The Netherlands a necessary element for prosecution. Given the local and national judicial climate, the hands of the police authorities in The Netherlands, except in the most aggravated cases of child abuse, are, in fact, tied. It is hoped that the new law will improve this situation.

One of the primary investigative techniques used by the police in The Netherlands is the purchase of child pornography by an undercover agent with the intent to locate the production facility. The Customs attaché, Bonn, has provided undercover officers to assist the Amsterdam City Police in these investigations. However, the fact is that the agent provocateur provisions for laws in The Netherlands and the lack of a conspiracy statute culminate in making this type of investigation time consuming and costly for Dutch law enforcement agencies.

The primary focus of all Dutch criminal investigations into child pornography is to identify the abused child and to charge the violator with child abuse. Child abuse provisions have been strengthened by passage of a new criminal code in The Netherlands.

Dutch authorities expressed the desire to receive additional information for followup investigation and/or prosecutions. This has been and will continue to be provided through the Customs attaché in Bonn, who feels that the Dutch are sincere in their efforts and will continue to cooperate with us.

In Denmark, the Danish representatives expressed their willingness to cooperate in this effort, specifically in their investigation of suspected sources of child pornography.

Prior to the team's arrival, a Copenhagen daily newspaper had run a series of articles on the murder of Raymond Limbach, a Danish/American child pornographer. Mr. Limbach and his accomplice, Helga Boesen-Larsen, had almost single-handedly run the child pornography empire of Kathy Wilson, the Los Angeles child pornography queen who was recently tried and convicted in U.S. district court.

The article indicated that Mr. Limbach was murdered in an attempt to prevent him from testifying against Wilson or providing police information about the international child pornography trade. The article also details a careful and systematically organized international conspiracy which realized an annual profit of approximately 5 million U.S. dollars.

The Wilson organization placed advertisements in several American pornographic and men's magazines which offered illegal Danish child pornography. The American customers were asked to send their orders to Copenhagen. The orders were then filled from warehouses in Amsterdam, The Netherlands, and shipped directly to the United States either through the mails or smuggled in bulk to Wilson for distribution.

This media interest enhanced the existing climate within Denmark, and has made the Danish officials more than willing to assist in an international cooperative effort against child pornography.

The production and distribution of child pornography is illegal in Denmark. However, distribution does not carry as severe penalties as production because production is considered tantamount to child molestation. The importation and exportation of child pornography is a criminal offense which carries a fine and a possible jail sentence of up to 4 years.

One of the problems of international coordination with Danish law enforcement authorities is the difference in the definition of a child for pornography purposes. In Denmark, a child is a person under 15 years of age.

To date, all the U.S. Customs requests for assistance have been directed to the Customs Service of Denmark. Cooperation with our Bonn office has been excellent, and we have identified a large number of individuals involved in the pornography trade, including Limbach and Helga Boesen-Larsen.

On January 17, the interagency team proceeded to Stockholm for the final set of discussions.

Sweden, being very concerned with human rights and particularly with the well-being of their children, was especially receptive to U.S. efforts to combat child pornography. Sweden has been fairly successful in its child pornography efforts since 1980. However, there have only been three child pornography cases brought to court.

The intention of the delegation from Sweden was to learn as much as possible from the U.S. experience, and to cooperate with the United States to combat what it perceives to be violations of children's rights. Sweden is serious in this regard and is looking for information so that they can address any problems they may have in their country as well as to assist other concerned nations.

One point of misunderstanding between Sweden and the United States was the issue of the opening of mail. The Swedish perception was that the U.S. Customs Service was indiscriminately opening mail sent from Sweden to the United States. The Customs representatives explained U.S. Customs Service guidelines regarding the seaches, including Customs' authority and search warrant requirements for certain mail. The Swedish delegation and U.S. Embassy personnel were pleased with the explanation.

Sweden actively pursues the enforcement of child pornography laws. The police routinely visit sex shops to determine if magazines are displayed in a manner in which they will lead youth astray and also to determine if child pornography is available for sale.

Prior to the team's visit, the U.S. Embassy in Stockholm notified Swedish authorities of seven alleged distribution points of child

pornography in Sweden. The attorney general ordered the police to raid all locations, and at the time of the team's meeting, five locations had been searched.

In one case, the individual had moved to Germany. In the others, adult pornography was found. No child pornography was discovered, and Sweden will be unable to prosecute the participants. The remaining two locations will be searched and a full report provided to the American Embassy in Stockholm.

The Customs attaché in Bonn has historically worked very closely with the Customs Service of Sweden in all Customs-related matters, including investigation of child pornography. We have provided information to Swedish Customs regarding child pornography, and they have subsequently identified suppliers of pornography to this country.

Swedish Customs has requested further assistance in providing information which they could use in prosecutions in their country. Specifically, they requested samples or copies of the publications or films seized by U.S. Customs, as well as the mailing or shipping wrappers which indicate the source of the child pornography.

Follow-up contacts by the Customs attaché, Bonn, to the countries visited by the team have verified that all participants found the meetings to be valuable, and have committed themselves to assisting us in our antichild pornography efforts. You can rest assured that we will hold them to that effort.

In addition to our international activities, and the efforts of the Customs attaché in Bonn, we have been increasing our domestic commitment to disrupt and prevent the flow of child pornography into this country.

I would like to briefly advise you of our activities in 3 of the 80 cases which we currently have under investigation. These are significant cases which demonstrate the perverse effects this trade has on our society and the dangers involved concerning our children.

In 1979, Dr. Leon Garbowicz, a psychiatrist, pleaded guilty in Orlando, FL, to performing oral sex on a 14-year-old boy. Garbowicz was placed on 15 years probation, and subsequently moved to Wisconsin where, because of inadequate background inquiries, he was allowed to obtain a position which included working with adolescents in a drug and alcohol treatment program.

On January 24 of this year, several packages addressed to Dr. Garbowicz were found by U.S. Customs in Chicago to contain child pornography. An additional 122 articles of child pornography were seized at Garbowicz's residence. He was arrested by U.S. Customs and State officers and is now in custody.

Other significant open investigations, that can only be elaborated upon in executive session, include the involvement of an alleged organized crime racketeer in the smuggling of commercial quantities of undeveloped film from Europe. This film was then developed, copied and reproduced in the United States for resale in smut shops. We have now seized a large quantity of film, video tape and other evidence.

The final investigation I wish to discuss involves a radio station disc jockey who was snared by the Customs' dragnet when he ordered and received a single book involving child pornography. Cus-

toms, in conjunction with postal inspectors and State and local law enforcement officers, made a controlled delivery of that one book, and discovered evidence that this individual had molested over 60 children from his community.

Evidence was disclosed that other adults in the community were also involved with the suspect in violating and abusing children. The suspect's room contained almost 400 photographs taken by the defendant of children between the ages of 10 and 18 in various sex acts inside the subject's residence.

The subject, who was described by a U.S. magistrate as a "threat to society" was arrested on February 5 and is now incarcerated. The publicity engendered by this case is an indication of the increased awareness and concern of the U.S. public regarding child pornography and child abuse.

You may rest assured that we at U.S. Customs will continue to do our utmost to halt this despicable trade.

Mr. Chairman, this concludes my formal testimony. Thank you.

Chairman ROTH. First let me say I am pleased after our earlier hearing the interagency task force was created and moved very rapidly to try to deal with what I consider to be an extraordinarily serious problem, so I congratulate each of you and your agencies for their interest.

In your opening remarks, Mr. Abrams, you did mention about making periodic reports on the progress that is being made. I applaude that. I would like to have that on a regular basis, perhaps every 6 months, or some such period if that is not too onerous. I think it is critically important that we make it clear to the people involved in this kind of activity this is not a temporary cyclical interest. It is something we are going to be regularly watching. So I would request that that kind of a reporting be made.

Mr. ABRAMS. Mr. Chairman, I will be happy to comply with that, and we will do so.

Chairman ROTH. Is it fair to say that Denmark has demonstrated more willingness than The Netherlands in actively combating the distribution of child pornography?

Mr. ABRAMS. I would say the problem in The Netherlands has been the statutory scheme which really has not permitted Dutch officials to do much until the new law is passed, hopefully within about 4 to 6 weeks. I don't think the problem in The Netherlands is the will of the officials at all. In fact, it's the Dutch Government that has been so helpful in pushing this law through Parliament in fairly short order.

So I would not agree, I think, there is any difference as to the seriousness with which they view the problem or their willingness to help us, but until they get that new law on the books, it is very difficult for them to move. The true test, of course, will be when the new law is on the books.

Chairman ROTH. In the rather brief look I have taken at the legislation in those two countries, even including that which they are considering, at least from this perspective, it doesn't look every tough. Now, as I understand it, in Holland with respect to an involvement of a child nobody can be prosecuted unless it is shown that it is done against the will of the child? It makes no difference what the age of the child is; is that correct?

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Mr. SHEAFE. It is very much my understanding, and I had the opportunity to be with our attaché from Bonn last week, as we understand the law, that is exactly right.

Chairman ROTH. If you had a 5-year-old child involved and the child purportedly consented, it violates no law? Is that what you are saying?

Mr. SHEAFE. That's our understanding.

Chairman ROTH. To me that is unbelievable. How do you deal with the problem then?

Mr. SHEAFE. Unfortunately, they are not dealing with it.

Chairman ROTH. As I understand it, what they are talking about is a new law that would impose a prison term of not more than 3 months—3 months—for a person who distributes, manufactures, exports or imports, stocks pictorial representations of children under age 16 engaged in a sexual act. Do they really believe—do the Dutch authorities really believe that will clean up the situation?

Mr. SHEAFE. Senator—with what our people have been working with—I think they believe it is better than what they have now. At least it gives them a law which they can then attempt to enforce, and our people feel strongly the Dutch authorities involved in this will attempt to enforce that law and to try for anything harder may have just held it up very much too long.

Mr. ABRAMS. Senator, I think part of the reason why we think that law will really be helpful is according to what the team found out in The Netherlands, a large number of the people involved in distributing child pornography are also involved in distributing more broadly adult pornography, if I can put it that way. This is, in a sense, a small end of the business.

Now, the new law of which we are speaking in Holland actually more or less decriminalizes much of what we would consider to be adult pornography in this country. So the thinking is that people involved in that business will conclude, look, if I continue in the adult end of this, I'm safe, but for the small end of the business that I'm in, it gets me into child pornography, I can go to jail and, therefore, the people involved in this are to make money at the commercial end of it can be forced out of the child pornography business because it will not make sense for them commercially to risk jail for a small part of their business when they are safe in a larger and more profitable entity. That is certainly our hope.

Chairman ROTH. Is there big enough money in this that the danger is moving to another one of the countries in the region?

Mr. ABRAMS. I think our general view is that there will be some people who are simply going to pick up and move to another mail drop, if I can put it that way.

Mr. SHEAFE. I believe we would agree on that. Certainly it may slow it down for a certain time, but all of the money that is made, if they lose a piece of the pie, they are going to try to achieve getting that piece back sooner or later. As Mr. Abrams mentioned in his statement, deterrence sometimes moves it and that could very well happen.

Chairman ROTH. I wonder if you would detail exactly the procedures that you have set up? Could they be briefly summarized for the purpose of the record so we know exactly what is proposed to

be done in our cooperative agreement with these countries; exactly how it will work?

Mr. MATTHEWS. Yes. I think, Mr. Chairman, as we actually work up the country provisions of the respective cooperative programs that it certainly would be our intention to keep you advised through the subcommittee staff as to where we are coming out.

Part of the drawing up these agreements, we look forward to the input, the contributions that can be made with respective officials visiting Washington, having the opportunity to not only talk with representatives of the interagency delegation, but I would hope also with members of your subcommittee.

We would anticipate moving forward on this as quickly as possible. I hope in the next several weeks. Obviously, we will have to be conscious of the respective legal systems. I would like to come back to the point made earlier about the essential nature of the new Dutch law. I would like to ask that we have the opportunity to provide you a clarification in that regard since it was not my own impression directly that this was quite so. If I may, I would like to provide that to the committee.

Mr. RINZEL. I have a few questions of Mr. Harrington, the representative from the Postal Service. In our November hearing, we explored something about, heard some information about Postal Service's undercover sting operations in this area of pedophile organizations and child pornography. I wonder if you could tell us if those kinds of operations are continuing, if there are any problems developing in them, so on, so forth?

Mr. HARRINGTON. Mr. Chairman, to the best of our knowledge now, we are quite satisfied that the investigative procedures that we are currently employing are still very effective. We have the ability to adjust. We have adjusted in the past and we will certainly adjust in the future if we feel that the methods we are currently employing are being identified, if you will, by the pedophiles out there.

We know that they are trying to find out who we are just as hard as we are trying to find out who they are. But I think we can stay one step ahead of them, if you will.

Mr. RINZEL. It is our understanding that there has been some extensive cooperation between Customs and Postal Service over the past year or more, perhaps before that, in this area. There was, I understand, a program for routing mail from certain foreign countries through Wilmington, NC, and they are having it examined to determine if child pornography was included.

I would like to know from both Postal and Customs what the status of that particular program is now? Mr. Sheafe? Mr. Harrington?

Mr. SHEAFE. I can address the one case I mentioned. The organized crime case came out of just that program, sir. So it is working well as far as we're concerned.

Mr. RINZEL. That is what I understand. My question is, What are the plans for that program in the future?

Mr. HARRINGTON. Perhaps the Customs Service has requested the Postal Service to extend the procedures in Wilmington, NC, for another 90-day period. We conducted a test back in November in conjunction with the Customs Service for a 2-week period. From

that experience, we found that there are several factors that are impacting on the Postal Service.

Basically, we are experiencing mail delay. We are experiencing additional transportation costs. And we are experiencing situations of increased risk to the mail just by increased transportation.

We have written back to the Customs Service that we would not participate in a continued test, and we stated our reasons for that purpose. Quite frankly, there is a situation here where we feel that the Postal Service is really being placed in the middle of a situation that is really not a postal problem. We have a circumstance with seizures and forfeitures in the eastern district of New York as opposed to the eastern district of North Carolina. I think we would appreciate from the standpoint that the Customs Service and perhaps the U.S. attorney may be better able to reconcile their situation there and the need for shipping mail to North Carolina would not be necessary.

If, however, it can be shown to the Postal Service that, indeed, there is additional information, we've always cooperated in the past and, if necessary, we will cooperate in the future if we feel that that type of activity is necessary.

At the present time, we don't think so.

Mr. RINZEL. Is what you are saying, Mr. Harrington, that the Postal Service perceives there is an apparent problem in the willingness or failure of some U.S. attorneys to prosecute these kind of cases?

Mr. HARRINGTON. It's been indicated to us that perhaps a better record can be established for forfeitures in a different district other than where it is currently taking place now. I really don't know. That would have to be answered by the Customs Service.

Mr. SHEAFE. I can comment on that. First of all, the Postal Service has been most cooperative with Customs in this, and, quite frankly, seizure provisions and a determination as to what is actually pornographic and what not, there is a great deal of difference between U.S. attorneys and the eastern district of New York is somewhat more stringent than North Carolina.

Customs would like to, Commissioner von Raab would like to carry this test a bit further, and we are going to try to arrange it with the Postal Service so we can set a good record, and we will once again take our case to the U.S. attorney in the eastern district in New York, and we feel we will be most successful this time around.

Mr. RINZEL. I don't know who might be best able to respond to this question, but what would be the best method of ensuring that information regarding individual pedophiles, organized pedophile groups' mailing list, so on, so forth, are actually brought to the attention of the law enforcement agencies across the country mostly likely to have jurisdiction to deal with the problem?

It is our impression in looking at this matter, it really is a catch as catch can business right now and that there is no sure method of exchanging information or providing information to relevant law enforcement agencies that would have jurisdiction.

Does anyone have any comment on that?

Mr. SHEAFE. This particular violation of Federal law is, like most violations of Federal law comes to the attention of State and local

authorities before it reaches the Federal level, and it is a matter of Federal authorities, Customs in this case, letting the local authorities know of the Customs jurisdiction, the violations that we are interested in.

Once it gets to one of the Customs' field offices, we have a nationwide group that is involved with this particular crime. Once it gets to one of our field offices, that very quickly gets to headquarters and with the relationship we have with the State Department, if it's a foreign production or with U.S. Postal Service, once it gets here, I think the cooperation is excellent. I think perhaps at the State and local level it is just a matter of the Federal agencies reassuring the local authorities we are most interested and will prosecute these violations.

Mr. HARRINGTON. Mr. Rinzel, we do not view the dissemination of child pornography intelligence, such as names on mailing lists, as a problem. We disseminate that information freely to our own investigators, and they on a case-by-case basis do disseminate the information to the effective law enforcement agencies. Likewise, I feel that we are in return receiving the information back from these other agencies.

Quite frankly, our relationship with Customs in this area is excellent. We don't have any problems.

Mr. RINZEL. Thank you.

Chairman ROTH. I think that concludes this portion. Again, I want to express my appreciation for your cooperation. We look forward to continuing to work with you in this area and will be in contact. Thank you, gentlemen, very much.

Mr. RINZEL. Mr. Chairman, I have a number of documents I would like to introduce into the record, with your permission.

Chairman ROTH. These documents in this exhibit will be included as part of the record.

[The documents referred to was marked "Exhibit No's. 1 through 9," for reference, and may be found in the Appendix on p. 57].

Chairman ROTH. The subcommittee is in recess.

[Whereupon, at 12:20 p.m., the subcommittee adjourned.]

APPENDIX

PREPARED STATEMENT OF BRUCE SELCRAIG

Mr. Chairman, we have prepared three charts in anticipation of this hearing: I will discuss two of these charts, the third can be discussed by Mr. Henry. The first chart I would like to discuss traces connections among the various pedophile rings. These connections were revealed through investigations of the Donald W. case and the case involving our witness, Mr. Henry. This chart is significant in that it shows connections among three distinct child pornography/pedophile groups as well as isolated individuals who are connected through Donald W. The Viewfinder, Inc. of St. Petersburg, Florida shown at the top of the chart was a nationwide ring which shared child pornography amongst its members. What little we know about this ring indicates it was active in Florida and in the State of Washington. Eric C., one of the key members of this ring was so brazen as to continue the ring's child pornography business while in prison and while supposedly assisting Federal prosecutors in making child pornography cases.

The second ring on the chart is the Childhood Sensuality Circle of San Diego. We heard testimony concerning this group at our hearing last November. During that hearing we heard that CSC, as it is more commonly known, is run by Valida Davila and is ostensibly a support group for people who advocate releasing children's sexuality. Testimony at our hearing last November indicated that the CSC is in fact, a pedophile support organization widely used by its members to contact other pedophiles and to obtain access to young children for sexual purposes.

The third group on the chart focuses on John Duncan. It is this group that our next witness was a member of.

These three groups are connected by the associations of Eric C. and Valida Davila with John Duncan and Joe Henry as shown by the red line. Viewfinders, Inc. and CSC are also connected through associations of their members, and, as shown on this chart, through contacts with Donald W. We have interviewed Donald W. at length. He is currently incarcerated in the a state's prison system.

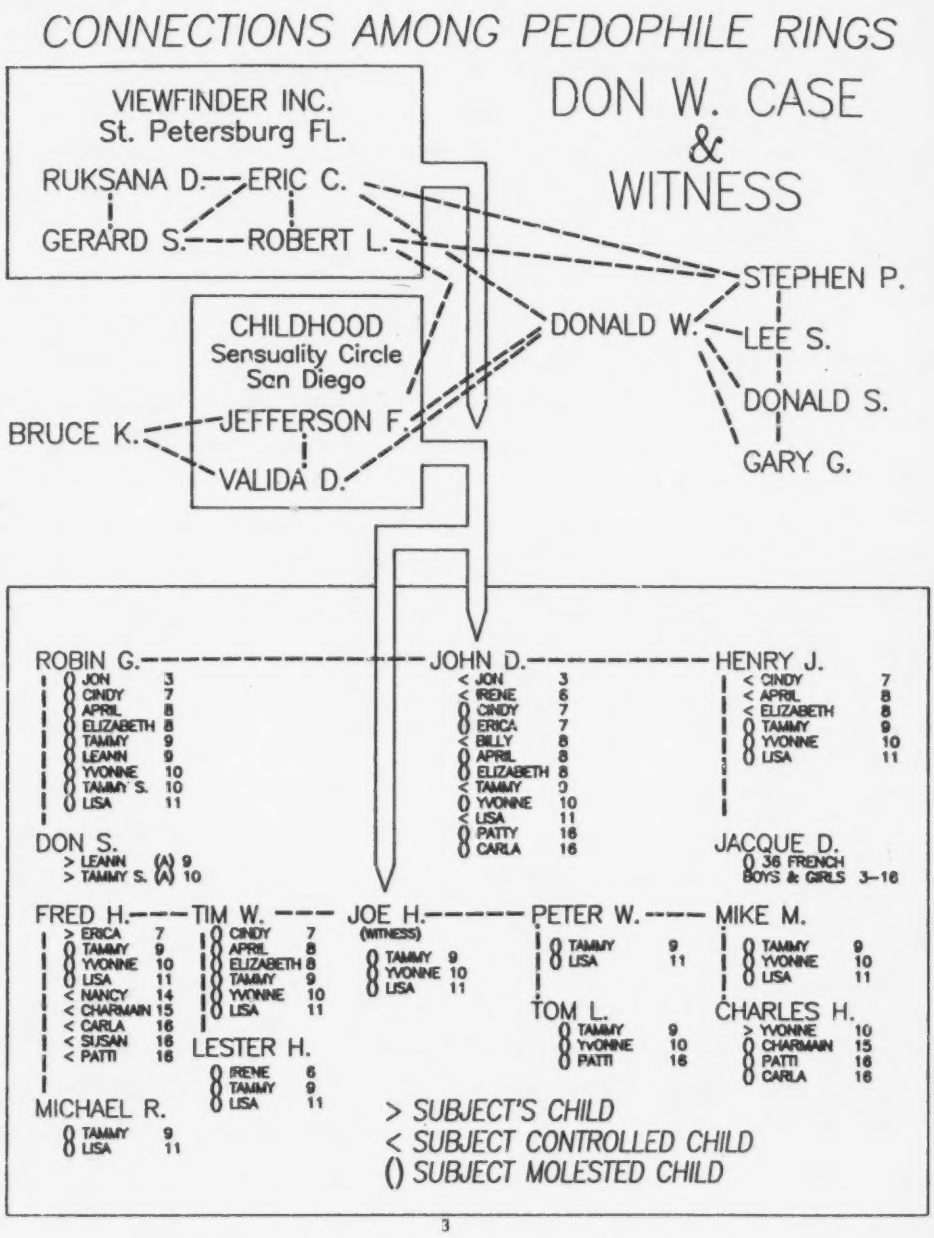
If you look at the lower half of this chart, you will see that it is multi-colored. The child molesters involved in the John D. ring are each listed, with the children they molested or controlled listed underneath them. The children's ages are also listed. As the chart indicates, the children listed in green are the molester's own children. In other words, looking under Don S., Leann and Tammy S. are both the adopted children of Don S. Erica is the natural child of Fred H. and Yvonne is the child of Charles H. The children listed in red were controlled by the molester indicated. In other worlds, Henry J. had control over Cindy, April and Elizabeth. John D. controlled Jon, Irene, Tammy and Lisa. The latter two children plus Yvonne will be discussed by our next witness. As you can see, Joe Henry is listed as having molested Tammy, Yvonne and Lisa.

When you take a close look at this chart, you will see how these children were passed among these pedophiles. Tammy, for instance, who was controlled by John was molested by Robin, Don, John himself, Henry J., Fred, Michael, Tim, Lester, Joe Henry our next witness, Peter, Tom, and Mike.

One final note before I leave this chart: This chart only shows the association among three groups plus some individuals. It is quite likely that if we developed these cases, these associations would branch far further than could ever be represented on one chart. The point to be made is that the pedophile network in this country is an incredible tangled web.

The next chart shows the residences of the pedophiles listed in the large chart. We present this chart only to show the national and international nature of these admittedly small pedophile rings.

I have no further comments to make on these charts at this time unless there are questions you wish me to address.


CONNECTIONS AMONG PEDOPHILE RINGS
DON W. CASE & WITNESS
VIEWFINDER INC.
St. Petersburg FL.
RUKSANA D.
ERIC C.
GERARD S.
ROBERT L.
STEPHEN P.
DONALD W.
LEE S.
DONALD S.
GARY G.
CHILDHOOD
Sensuality Circle
San Diego
BRUCE K.
JEFFERSON F.
VALIDA D.
ROBIN G.
JON 3
CINDY 7
APRIL 8
ELIZABETH 8
TAMMY 9
LEANN 9
YVONNE 10
TAMMY S. 10
LISA 11
DON S.
> LEANN (A) 9
> TAMMY S. (A) 10
JOHN D.
< JON 3
< IRENE 6
CINDY 7
ERICA 7
< BILLY 8
APRIL 8
ELIZABETH 8
< TAMMY 9
YVONNE 10
< LISA 11
PATTY 16
CARLA 16
HENRY J.
< CINDY 7
< APRIL 8
< ELIZABETH 8
TAMMY 9
YVONNE 10
LISA 11
JACQUE D.
36 FRENCH BOYS & GIRLS 3-16
FRED H.
> ERICA 7
TAMMY 9
YVONNE 10
LISA 11
< NANCY 14
< CHARMAIN 15
< CARLA 16
< SUSAN 16
< PATTI 16
MICHAEL R.
TAMMY 9
LISA 11
TIM W.
CINDY 7
APRIL 8
ELIZABETH 8
TAMMY 9
YVONNE 10
LISA 11
LESTER H.
IRENE 6
TAMMY 9
LISA 11
JOE H.
(WITNESS)
TAMMY 9
YVONNE 10
LISA 11
PETER W.
TAMMY 9
LISA 11
TOM L.
TAMMY 9
YVONNE 10
PATTI 16
MIKE M.
TAMMY 9
YVONNE 10
LISA 11
CHARLES H.
> YVONNE 10
CHARMAIN 15
PATTI 16
CARLA 16
> SUBJECT'S CHILD
< SUBJECT CONTROLLED CHILD
() SUBJECT MOLESTED CHILD

RESIDENCES OF PEDOPHILES

JOE H. CASE

DON W. CASE

CALIFORNIA

JOHN D.
HENRY J.
CHARLES H.
TOM L.
ROBIN G.
FRED H.
TIM W.
MIKE M.

JEFFERSON F.
VALIDA D.
GARY G.
BRUCE K.
STEPHEN P.

FLORIDA

DON S.

RUKSANA D.
GERARD S.
ERIC C.

UTAH
MICHAEL R.

INDIANA
LESTER H.

NEW YORK
JOE H.

ENGLAND
PETER W.

FRANCE
JACQUE D.

WASHINGTON
ROBERT L.

NEW MEXICO
LEE S.

TEXAS
DON S.

VIRGINIA
DON W.

RESIDENCES OF PEDOPHILES

JOE H. CASE

CALIFORNIA

JOHN D.
HENRY J.
CHARLES H.
TOM L.
ROBIN G.
FRED H.
TIM W.
MIKE M.

FLORIDA

DON S.

UTAH

MICHAEL R.

INDIANA

LESTER H.

NEW YORK

JOE H.

ENGLAND

PETER W.

FRANCE

JACQUE D.

DON W. CASE

CALIFORNIA

JEFFERSON F.
VALIDA D.
GARY G.
BRUCE K.
STEPHEN P.

FLORIDA

RUKSANA D.
GERARD S.
ERIC C.

WASHINGTON

ROBERT L.

NEW MEXICO

LEE S.

TEXAS

DON S.

VIRGINIA

DON W.

CHILDREN MOLESTED by WITNESS

CHILD'S NAME	*CHILD'S AGE*	*WITNESS' AGE*
BARBARA	10	14
SHEILA	9	14
ANDREA	9	15
NAME UNKNOWN	6	19
NAME UNKNOWN	6	21
NAME UNKNOWN	7	21
JUDY	13	21
BRENDA	11	21
FLORENCE	14	21
NAME UNKNOWN	9	22
GLORIA	9	24
VALORIE	7	24
DONNA	6	24
PATSY	8–11	27–30
SUSAN	9	28
KATHY	9	36
TAMMY	9	41
LISA	10	41
YVONNE	8	41

PREPARED STATEMENT OF

ELLIOTT ABRAMS

ASSISTANT SECRETARY OF STATE

FOR

HUMAN RIGHTS AND HUMANITARIAN AFFAIRS

The Department of State is pleased to have the occasion again to testify before this Committee on the activities and efforts which have been taken since the previous hearing, held on November 29, 1984, at which Deputy Assistant Secretary John Kelly, Bureau of European and Canadian Affairs, appeared. As I informed Senator Roth in my letter to him of January 8, 1985, we followed up the November 29 hearing by establishing, on December 4, an Interagency Group to Combat Child Pornography. As noted by Mr. Kelly in his earlier testimony, we consider child pornography a world-wide problem in its broader aspect. For that reason, in my global responsibilities as Assistant Secretary for Human Rights and Humanitarian Affairs, I was chosen to chair the Interagency Group and we held our first meeting on December 17, 1984. Members of the group, in addition to the Department of State, are the Department of Justice, the Federal Bureau of Investigation, the Customs Service, and the Postal Service.

Building on the Committee's November 29 hearing and other expressions of concern over the offensive and insidious problem of child pornography, we considered it very important to move quickly to hold intensive discussions with officials in the Netherlands and Denmark, countries which have figured in the exportation and reexportation of child pornography to the United States. Accordingly, an interagency team visited those countries, plus Sweden, during the period January 15-18; the team was led by Deputy Assistant Secretary Gary Matthews, my senior deputy in the Bureau of Human Rights and Humanitarian Affairs.

I would like to underscore the extent to which Dutch, Danish and Swedish officials share our view of the seriousness of the problem posed by child pornography and the role which it plays in the sexual abuse and exploitation of children. We made it clear throughout our discussions with these officials that we in the United States faced a terrible problem in this regard and that we first and foremost wanted greater and closer cooperation to address our problem. We equally indicated that the dimensions of this ugly problem clearly were broader than any one country, hence our emphasis on increased measures to address it on a comprehensive, international front.

Before providing some insights into the team's activities in The Hague, Copenhagen and Stockholm, I would also like to emphasize that our American Ambassadors to all three countries take a strong personal interest in our shared efforts to address the problem of child pornography; further, each Embassy now has a designated officer as the primary point of contact both for those US agencies, e.g. Customs Service, working on aspects of the problem, as well as for the necessary liaison and follow-up with the respective host country officials.

In the Netherlands, the team began its day of discussions by meeting with Justice Minister Korthals-Altes. He assured the US side of his government's willingness to cooperate with the US in combating child pornography. Minister Korthals-Altes stressed the importance of a bill, currently before the Dutch

Parliament, whose expected passage in April or May of this year will considerably facilitate the prosecution of child pornography distributors. The team also discussed and agreed to the Dutch suggestion that we explore ways to utilize the 1983 US-Dutch Mutual Judicial Assistance Treaty in our exchanges on child pornography. Finally, the US and the Netherlands will set up a formal program of bilateral cooperation to combat child pornography with the designation of policy-level officials on both sides to act as central coordinators. Specifically, we envision prompt exchanges of information, including that of evidentiary nature with "chain of custody" materials and the sharing of investigative reports in which US consumers of child pornography confirm their receipt of such materials from a given address and purveyor.

In sum, it is our belief that the Dutch government has been forthright and responsive in regard to the concerns raised by this Committee and by the interagency team about child pornography, and that it will be cooperating actively in our continuing efforts to combat this most terrible problem.

In Denmark, the team also had very thorough discussions with all relevant Danish authorities, again stressing the importance of interrupting the flow of child pornography at the distribution as well as the production stage. Our Danish interlocutors assured us of their desire to work closely with the US and others in addressing the problem. Indeed, I am

pleased to report that just recently, on February 9, it was reported that the Danish authorities, using the list of addresses of suspected distributors of child pornography which the US group delivered during its mission, have moved to prosecute three persons described as managers of a publishing firm called COQ International, charging them with producing and selling child pornography.

At the team's final round of dis. ssions, in Stockholm, the US side again enjoyed a well-prepared, thorough exchange of views with all relevant Swedish authorities. The Swedish side noted that it had investigated suspected child pornography dealers, utilizing information provided earlier by the US, but had as yet found nothing prosecutable as child pornography. Sweden wishes to receive further information from the US on a timely and regular basis. The US side acknowledged the considerable progress which Sweden has made in recent years in diminishing the flow of child pornography within and out of Sweden.

Let me conclude by stating our belief that the formation of the Interagency Group and the mission of the interagency team can be regarded as concrete measures which will produce concrete results. In addition to greater mutual coordination and a strengthened structure of cooperation with the governments concerned, the US side has invited appropriate representatives of those governments' judicial and law

enforcement agencies to come to the United States to study investigative methods in dealing with child pornography. We will also be increasing our information exchanges both through the timely provision of relevant information and materials (e.g. via our Customs officials in Bonn) as well as in directed exchanges between policy-level officials of our respective governments.

We cannot afford the slightest pause in our combined efforts to get at the producers, purveyors and users of child pornography. We must frankly acknowledge that success in combating the flow from one place may only divert it to another. Nonetheless, it is encouraging to note that the enhanced cooperation and coordination on the part of all concerned US agencies can now be considered as matched, in turn, by exactly this kind of shared effort on the part of the Dutch, Danish and Swedish governments. We look forward to working with this Committee in addressing the child pornography problem on this wide, systematic, and international basis.

Thank you, that completes my prepared statement.

PREPARED STATEMENT OF

LARRY B. SHEAFE

DIRECTOR, OFFICE OF INVESTIGATIONS

U.S. CUSTOMS SERVICE

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, THANK YOU FOR INVITING ME HERE TODAY. WHEN THE COMMISSIONER OF CUSTOMS FIRST SPOKE AT A WHITE HOUSE MEETING ON OBSCENITY IN MARCH 1983, HE EXPRESSED HIS DISMAY AT THE LAX ENFORCEMENT OF OUR NATION'S OBSCENITY LAWS UP TO THAT TIME, BELIEVING OUR NATION'S MORAL HEALTH WAS AT STAKE. HE COMMITTED THE CUSTOMS SERVICE TO A RENEWED EMPHASIS TO STOP THE FLOW OF PORNOGRAPHIC MATERIALS INTO THIS COUNTRY.

TWENTY MONTHS LATER, COMMISSIONER VON RAAB APPEARED BEFORE THIS COMMITTEE AND REPORTED THAT CUSTOMS' INCREASED EFFORTS IN THIS AREA WERE HAVING A SIGNIFICANT IMPACT ON THE ILLEGAL IMPORTATION OF THOSE MATERIALS, PARTICULARLY CHILD PORNOGRAPHY. CUSTOMS IS STOPPING HUNDREDS OF OBSCENE BOOKS, MAGAZINES, FILMS, VIDEO TAPES, AND OTHER MATERIALS DAILY. MORE IMPORTANTLY, WE ARE IDENTIFYING PREVIOUSLY UNKNOWN PEDOPHILES IN THE COMMUNITY AND PUTTING THESE CRIMINALS, WHO ABUSE OUR CHILDREN, BEHIND BARS.

FOLLOWING THE SUBCOMMITTEE'S HEARING ON NOVEMBER 29, IT WAS CONSIDERED ESSENTIAL TO UNDERTAKE AN ENHANCED INTERNATIONAL EFFORT TO DEAL WITH THE CHILD PORNOGRAPHY PROBLEM, AND TO ACHIEVE CLOSER COORDINATION AMONG THE VARIOUS U.S. GOVERNMENT AGENCIES CONCERNED WITH THE PROBLEM. AS A RESULT, AN INTERAGENCY TASK FORCE WAS ESTABLISHED TO ENCOURAGE JOINT AGENCY ACTION IN CHILD PORNOGRAPHY CASES, AND TO TRANSMIT U.S. CONCERNS TO THE APPROPRIATE FOREIGN GOVERNMENTS. THE TASK FORCE INCLUDES REPRESENTATIVES FROM THE U.S. CUSTOMS SERVICE, THE DEPARTMENT OF STATE, THE U.S. POSTAL SERVICE, THE FEDERAL BUREAU OF INVESTIGATION, AND THE DEPARTMENT OF JUSTICE.

IN JANUARY 1985, THE TASK FORCE VISITED SEVERAL COUNTRIES IN EUROPE TO EMPHASIZE TO THEIR GOVERNMENTS THE EXTENT OF OUR COMMITMENT TO HALTING THIS HIDEOUS TRADE, AND TO ENCOURAGE THEIR ASSISTANCE. THE GROUP INCLUDED TWO U.S. CUSTOMS AGENTS -- ONE FROM OUR CHICAGO OFFICE OF INVESTIGATIONS AND ONE FROM THE U.S. CUSTOMS OFFICE IN BONN, GERMANY.

THE BONN OFFICE HAS BECOME INCREASINGLY ACTIVE IN PORNOGRAPHY INVESTIGATIONS IN RECENT MONTHS, INCLUDING CASES IN WHICH AN AGENT ACTED IN AN UNDERCOVER CAPACITY IN ASSISTING FOREIGN LAW ENFORCEMENT OFFICIALS. ALL OF THE COUNTRIES VISITED BY THE TEAM ARE IN THE GEOGRAPHICAL AREA OF RESPONSIBILITY OF THE CUSTOMS ATTACHE, BONN. CONSEQUENTLY, THE OFFICE IS THE CORNERSTONE OF CUSTOMS PORNOGRAPHY ENFORCEMENT EFFORTS IN EUROPE.

THE ANTICIPATED OPENING OF A NEW CUSTOMS OFFICE IN ROTTERDAM, WHICH HAS BEEN DELAYED PENDING CONCURRENCE BY THE DUTCH GOVERNMENT, WILL SIGNIFICANTLY ASSIST THE BONN OFFICE IN THEIR EFFORTS.

AFTER DISCUSSIONS WITH THE CUSTOMS ATTACHE' IN BONN, THE TASK FORCE GROUP MET WITH LAW ENFORCEMENT AND GOVERNMENT OFFICIALS OF THE NETHERLANDS, DENMARK AND SWEDEN. INFORMATION WAS PROVIDED BY EACH TEAM MEMBER PERTAINING TO HIS RESPECTIVE AREA OF EXPERTISE.

MR. GARY MATTHEWS, DEPUTY ASSISTANT SECRETARY OF STATE FOR HUMAN RIGHTS, CHAIRED THE INTERAGENCY TEAM, AND ACTED AS THE LEADER OF THE GROUP. MR. MATTHEWS' PRESENCE CONVEYED TO OUR EUROPEAN COLLEAGUES THE SERIOUSNESS WITH WHICH THE UNITED STATES VIEWS THE PROBLEM OF CHILD PORNOGRAPHY. MR. MATTHEWS MADE THE POINT THAT THE BUSINESS OF THE GROUP WAS TO OPEN CHANNELS OF MUTUAL ASSISTANCE WITH OUR FOREIGN COLLEAGUES IN ORDER THAT WE MIGHT TOGETHER REDUCE IN NUMBER, IF NOT ERADICATE, THE NUMBER OF PERSONS AND COMPANIES INVOLVED IN THE PORNOGRAPHY TRADE.

MR. DANIEL HARRINGTON, DEPUTY DIRECTOR OF INVESTIGATIONS FOR THE UNITED STATES POSTAL SERVICE, EXPLAINED HIS AGENCY'S LAW ENFORCEMENT AND CIVIL FUNCTIONS. HE STRESSED THE ONGOING COOPERATION EXERCISED BY ALL THE INTERESTED UNITED STATES LAW ENFORCEMENT AGENCIES, I.E., CUSTOMS, F.B.I., AND LOCAL POLICE. MR. HARRINGTON'S EXPLANATION OF THE SANCTITY OF FIRST CLASS MAIL IN THE UNITED STATES WAS OF PARTICULAR INTEREST TO THE EUROPEANS. THEIR PERCEPTION OF OUR ACTIONS WAS THAT UNITED STATES AUTHORITIES WERE INDISCRIMINATELY OPENING AND READING INTERNATIONAL MAIL.

MR. CHRISTOPHER MATTIACE, SUPERVISORY SPECIAL AGENT OF THE FEDERAL BUREAU OF INVESTIGATION, MADE HIS PRESENTATION ON PEDOPHILIA - AN ADULT'S SEXUAL DESIRE FOR CHILDREN - AND THE F.B.I.'S RESEARCH INTO THE MATTER. MR. MATTIACE PROVIDED AN EXCELLENT

CORRELATION BETWEEN PEDOPHILES, CHILD PORNOGRAPHY AND SEXUAL ABUSE OF CHILDREN. HIS PRESENTATION WAS EXCEPTIONALLY WELL RECEIVED IN SWEDEN WHERE THERE ARE CURRENT LEGISLATIVE INITIATIVES UNDER WAY TO INTRODUCE A MORE PROTECTIVE CHILD ABUSE STATUTE.

MR. JAMES REYNOLDS, DEPUTY CHIEF OF THE SPECIAL PROSECUTIONS BRANCH OF THE CRIMINAL DIVISION OF THE DEPARTMENT OF JUSTICE, EXPLAINED THE EVOLUTION OF THE CHILD PORNOGRAPHY STATUTES IN THE UNITED STATES, AND PROSECUTION PROBLEMS ENCOUNTERED WITH STATUTES PRIOR TO THE 1984 CHILD PROTECTION ACT. MR. REYNOLDS ALSO GAVE A CONCISE EXPLANATION OF THE CHILD PROTECTION ACT OF 1984 AND RECENT ENFORCEMENT OF THIS STATUTE.

SPECIAL AGENTS JACK O'MALLEY, FROM OUR CHICAGO OFFICE, AND JOHN FORBES, A CUSTOMS REPRESENTATIVE IN BONN, IDENTIFIED THE UNITED STATES CUSTOMS SERVICE AS THE FIRST LINE OF DEFENSE AGAINST ALL IMPORTED CONTRABAND, INCLUDING CHILD PORNOGRAPHY, AND PROVIDED AN EXPLANATION OF THE UNITED STATES CUSTOMS METHODS OF OPERATION AND LEGAL AUTHORITY. PAST SUCCESSES AND THE PROVISION OF POTENTIAL INVESTIGATIVE LEADS FOR FOREIGN GOVERNMENTS WERE ALSO DISCUSSED.

IN HOLLAND, THE DUTCH MINISTER OF JUSTICE MET WITH THE TEAM AND OPENED THE SESSION BY ASSURING THE UNITED STATES OF DUTCH WILLINGNESS TO COOPERATE IN COMBATTING CHILD PORNOGRAPHY. HE STRESSED THE IMPORTANCE OF THE IMPENDING NEW DUTCH LAW ON CHILD PORNOGRAPHY IN GIVING THE GOVERNMENT OF THE NETHERLANDS LEGAL TOOLS TO COMBAT THE PROBLEM. ALTHOUGH THE ACTUAL PENALTIES UNDER THE NEW LAW APPEAR SLIGHT IN COMPARISON WITH CORRESPONDING U.S.

LAWS, DUTCH OFFICIALS WERE AT PAINS TO EXPRESS THEIR CONVICTION THAT IT WOULD ENABLE THEM TO MOVE AGAINST THE DISTRIBUTORS AND DETER THE COMMERCIAL DISTRIBUTORS OF CHILD PORNOGRAPHY. THEY MAINTAINED THAT THE THREAT OF CRIMINAL PENALTIES, ALBEIT LIGHT, WOULD BE SUFFICIENT TO PERSUADE THESE DISTRIBUTORS TO QUIT THE CHILD PORNOGRAPHY TRADE IN ORDER TO AVOID JEOPARDIZING THEIR OTHER LEGAL ADULT PORNOGRAPHY BUSINESS.

THE INTENTION OF THE NEW LAW IS TO COMPLEMENT EXISTING LAWS AGAINST CHILD ABUSE. ACCORDING TO EXISTING LAW, A PERSON CANNOT BE CRIMINALLY CHARGED WITH THE DISTRIBUTION OF CHILD PORNOGRAPHY UNLESS HE AGGRESSIVELY PROMOTES ITS SALE. ESSENTIALLY, THE DISTRIBUTOR MUST FORCE THE UNWILLING PERSON TO VIEW OR BUY IT. THERE HAVE BEEN FEW, IF ANY, CRIMINAL COMPLAINTS MADE UNDER THE EXISTING LAW. THOSE WHICH DID ARISE, FOR THE MOST PART, ENTAILED A POLICE OFFICER NOTIFYING THE DISTRIBUTOR TO DISCONTINUE THE PRACTICE OR PAY A FINE.

ONE PRACTICAL PROBLEM FACED BY DUTCH LAW ENFORCEMENT PERSONNEL IS THE FACT THAT PRODUCTION SITES ARE WELL CONCEALED AND WHEN THEY ARE DISCOVERED, IT IS ALMOST ESSENTIAL, FOR PURPOSES OF CRIMINAL CONVICTION, TO APPREHEND THE PRODUCER IN THE ACT OF ABUSING AN UNWILLING CHILD.

STRANGE AS IT MAY SEEM, THIS UNWILLINGNESS ON A CHILD'S PART IS IN SOME JUDICIAL DISTRICTS IN THE NETHERLANDS A NECESSARY ELEMENT FOR PROSECUTION. GIVEN THE LOCAL AND NATIONAL JUDICIAL CLIMATE, THE HANDS OF THE POLICE AUTHORITIES IN THE NETHERLANDS, EXCEPT IN THE MOST AGGRAVATED CASES OF CHILD ABUSE, ARE TIED. IT IS HOPED THAT THE NEW LAW WILL IMPROVE THIS SITUATION.

THE TEAM POINTED OUT, THROUGH INVESTIGATIVE EXAMPLES, THE DISTINCT LINK BETWEEN THE DISTRIBUTION OF CHILD PORNOGRAPHY AND ITS PRODUCTION AND CHILD ABUSE.

ONE OF THE PRIMARY INVESTIGATIVE TECHNIQUES USED BY THE POLICE IN THE NETHERLANDS IS THE PURCHASE OF CHILD PORNOGRAPHY BY AN UNDERCOVER AGENT WITH THE INTENT TO LOCATE THE PRODUCTION FACILITY. THE CUSTOMS ATTACHE, BONN, HAS PROVIDED UNDERCOVER OFFICERS TO ASSIST THE AMSTERDAM CITY POLICE IN THESE INVESTIGATIONS. HOWEVER, THE FACT IS THAT THE AGENT PROVOCATEUR PROVISIONS FOR LAWS IN THE NETHERLANDS AND THE LACK OF A CONSPIRACY STATUTE CULMINATE IN MAKING THIS TYPE OF INVESTIGATION TIME CONSUMING AND COSTLY. ALSO, PROSECUTION IS DIFFICULT WHETHER OR NOT A PRODUCTION SITE IS LOCATED.

IT SHOULD BE NOTED THAT THE PRIMARY FOCUS OF ALL DUTCH CRIMINAL INVESTIGATIONS INTO CHILD PORNOGRAPHY IS TO IDENTIFY THE ABUSED CHILD AND TO CHARGE THE VIOLATOR WITH CHILD ABUSE. CHILD ABUSE PROVISIONS OF THE NEW CRIMINAL CODE OF THE NETHERLANDS ARE STRONG. HOWEVER, PROVING A CRIME, AS IN THE UNITED STATES, IS DIFFICULT.

THE DUTCH MINISTRY OF JUSTICE FEEL THAT THEY HAVE BEEN MALIGNED IN THE INTERNATIONAL PRESS. THEY WANT IT TO BE KNOWN THAT THEY ARE WILLING TO ASSIST THE UNITED STATES IN CHILD PORNOGRAPHY INVESTIGATIONS. THE DUTCH INTERPOL REPRESENTATIVE ADVISED THE TEAM THAT HE HAD INVESTIGATED MOST OF THE 87 NAMES AND ADDRESSES PREVIOUSLY PROVIDED BY THE CUSTOMS ATTACHE, BONN. NEARLY HALF WERE BOGUS. OF THE REMAINDER, SIX (6) WERE FOUND TO BE ACTIVE DISTRIBUTION CENTERS OF CHILD PORNOGRAPHY EXPORTED TO THE UNITED STATES. THESE CENTERS ARE NOW UNDER ACTIVE INVESTIGATION.

DUTCH AUTHORITIES EXPRESSED THE DESIRE TO RECEIVE ADDITIONAL INFOPMATION FOR FOLLOW-UP INVESTIGATION AND/OR PROSECUTION IN THE NETHERLANDS. THIS WILL BE PROVIDED THROUGH THE CUSTOMS ATTACHE IN BONN, WHO FEELS THAT THE DUTCH ARE SINCERE IN THEIR EFFORTS AND WILL CONTINUE TO COOPERATE WITH US.

IN DENMARK, THE TEAM MET WITH REPRESENTATIVES OF THE JUSTICE MINISTRY, THE UNION OF CHIEF CONSTABLES OF POLICE, THE NATIONAL POLICE, THE INTERPOL REPRESENTATIVE, THE POSTAL SERVICE, THE CUSTOMS SERVICE AND THE COPENHAGEN POLICE. AS IN THE HAGUE, THE U.S. TEAM STRESSED THE IMPORTANCE OF CLOSE COOPERATION AND THE SHARING OF INFORMATION ON ALL ASPECTS OF THE ISSUE. THE DANISH REPRESENTATIVES EXPRESSED THEIR WILLINGNESS TO COOPERATE IN THIS EFFORT, SPECIFICALLY IN THEIR INVESTIGATION OF SUSPECTED SOURCES OF CHILD PORNOGRAPHY IN DENMARK.

PRIOR TO THE TEAM'S ARRIVAL, A COPENHAGEN DAILY NEWSPAPER HAD RUN A SERIES OF ARTICLES ON THE MURDER OF RAYMOND LIMBACH, A DANISH/AMERICAN CHILD PORNOGRAPHER. MR. LIMBACH AND HIS ACCOMPLICE, HELGA BOESEN-LARSEN, HAD ALMOST SINGLE-HANDEDLY RUN THE CHILD PORNOGRAPHY EMPIRE OF KATHY WILSON, THE LOS ANGELES CHILD PORNOGRAPHY QUEEN WHO WAS RECENTLY TRIED AND CONVICTED IN U.S. DISTRICT COURT. THE ARTICLE INDICATES THAT MR. LIMBACH WAS MURDERED IN AN ATTEMPT TO PREVENT HIM FROM TESTIFYING AGAINST WILSON OR PROVIDING POLICE INFORMATION ABOUT THE INTERNATIONAL CHILD PORNOGRAPHY TRADE. THE ARTICLE ALSO DETAILS A CAREFUL AND SYSTEMATICALLY ORGANIZED INTERNATIONAL CONSPIRACY WHICH REALIZED AN ANNUAL PROFIT OF APPROXIMATELY US$5,000,000. THE WILSON

ORGANIZATION PLACED ADVERTISEMENTS IN SEVERAL AMERICAN PORNOGRAPHIC AND MEN'S MAGAZINES WHICH OFFERED ILLEGAL DANISH CHILD PORNOGRAPHY. THE AMERICAN CUSTOMERS WERE ASKED TO SEND THEIR ORDERS TO COPENHAGEN. THE ORDERS WERE THEN FILLED FROM WAREHOUSES IN AMSTERDAM, THE NETHERLANDS, AND SHIPPED DIRECTLY TO THE UNITED STATES EITHER THROUGH THE MAILS OR SMUGGLED IN BULK TO WILSON FOR DISTRIBUTION.

THE MEDIA INTEREST ENHANCED THE EXISTING CLIMATE WITHIN DENMARK, AND HAS MADE THE DANISH OFFICIALS MORE THAN WILLING TO ASSIST IN AN INTERNATIONAL COOPERATIVE EFFORT AGAINST CHILD PORNOGRAPHY.

THE PRODUCTION AND DISTRIBUTION OF CHILD PORNOGRAPHY IS ILLEGAL IN DENMARK. HOWEVER, DISTRIBUTION DOES NOT CARRY AS SEVERE PENALTIES AS PRODUCTION BECAUSE PRODUCTION IS CONSIDERED TANTAMOUNT TO CHILD MOLESTATION. THE IMPORTATION AND EXPORTATION OF CHILD PORNOGRAPHY IS A CRIMINAL OFFENSE WHICH CARRIES A FINE AND A POSSIBLE JAIL SENTENCE OF UP TO 4 YEARS. ONE OF THE PROBLEMS OF INTERNATIONAL COORDINATION WITH DANISH LAW ENFORCEMENT AUTHORITIES IS THE DIFFERENCE IN THE DEFINITION OF A CHILD FOR PORNOGRAPHY PURPOSES. IN DENMARK A CHILD IS A PERSON UNDER 15 YEARS OF AGE.

TO DATE, ALL THE U.S. CUSTOMS REQUESTS FOR ASSISTANCE HAVE BEEN DIRECTED TO THE CUSTOMS SERVICE OF DENMARK. COOPERATION WITH OUR BONN OFFICE HAS BEEN EXCELLENT AND WE HAVE IDENTIFIED A LARGE NUMBER OF INDIVIDUALS INVOLVED IN THE PORNOGRAPHY TRADE, INCLUDING LIMBACH AND HELGA BOESEN-LARSEN.

ON JANUARY 17, THE INTERAGENCY TEAM PROCEEDED TO STOCKHOLM FOR THE FINAL SET OF DISCUSSIONS.

THE TEAM MET WITH REPRESENTATIVES OF THE SWEDISH MINISTRY OF FOREIGN AFFAIRS, THE MINISTRY OF JUSTICE, THE CHIEF PROSECUTOR GENERAL'S OFFICE, THE POSTAL SERVICE AND THE CUSTOMS SERVICE. SWEDEN, BEING VERY CONCERNED WITH HUMAN RIGHTS AND PARTICULARLY WITH THE WELL-BEING OF THEIR CHILDREN, WAS ESPECIALLY RECEPTIVE TO UNITED STATES EFFORTS TO COMBAT CHILD PORNOGRAPHY. ALTHOUGH SWEDEN HAS BEEN FAIRLY SUCCESSFUL IN ITS CHILD PORNOGRAPHY EFFORTS SINCE 1980, THERE HAVE ONLY BEEN THREE (3) CHILD PORNOGRAPHY CASES BROUGHT TO COURT. IN TWO OF THESE CASES THE VIOLATORS WERE FOUND GUILTY AND IN THE OTHER THE VIOLATOR WAS ACQUITTED.

THE INTENTION OF THE DELEGATION FROM SWEDEN WAS TO LEARN AS MUCH AS POSSIBLE FROM THE U.S. EXPERIENCE, AND TO COOPERATE WITH THE UNITED STATES TO COMBAT WHAT IT PERCEIVES TO BE VIOLATIONS OF CHILDREN'S RIGHTS. SWEDEN IS SERIOUS IN THIS REGARD AND IS LOOKING FOR INFORMATION SO THAT THEY CAN ADDRESS ANY PROBLEMS THEY MAY HAVE IN THEIR COUNTRY AS WELL AS TO ASSIST OTHER CONCERNED NATIONS.

ONE POINT OF MISUNDERSTANDING BETWEEN SWEDEN AND THE UNITED STATES WAS THE ISSUE OF THE OPENING OF MAIL. THE SWEDISH PERCEPTION WAS THAT THE U.S. CUSTOMS SERVICE WAS INDISCRIMINATELY OPENING MAIL SENT FROM SWEDEN TO THE UNITED STATES. THE U.S. CUSTOMS REPRESENTATIVES EXPLAINED U.S. CUSTOMS SERVICE GUIDELINES REGARDING THE SEARCHES, INCLUDING CUSTOMS AUTHORITY AND SEARCH WARRANT REQUIREMENTS FOR CERTAIN MAIL. THE SWEDISH DELEGATION AND U.S. EMBASSY PERSONNEL WERE PLEASED WITH THE EXPLANATION.

SWEDEN ACTIVELY PURSUES THE ENFORCEMENT OF CHILD PORNOGRAPHY LAWS. THE POLICE ROUTINELY VISIT SEX SHOPS TO DETERMINE IF MAGAZINES ARE DISPLAYED IN A MANNER IN WHICH THEY WILL LEAD YOUTH ASTRAY AND ALSO TO DETERMINE IF CHILD PORNOGRAPHY IS AVAILABLE FOR SALE.

THE U.S. EMBASSY, STOCKHOLM, HAD NOTIFIED SWEDISH AUTHORITIES OF SEVEN (7) ALLEGED DISTRIBUTION POINTS OF CHILD PORNOGRAPHY IN SWEDEN. THE ATTORNEY GENERAL ORDERED THE POLICE TO RAID ALL LOCATIONS, AND AT THE TIME OF THE TEAM'S MEETING, FIVE (5) LOCATIONS HAD BEEN SEARCHED. IN ONE CASE, THE INDIVIDUAL HAD MOVED TO GERMANY. IN THE OTHERS, ADULT PORNOGRAPHY WAS FOUND. NO CHILD PORNOGRAPHY WAS DISCOVERED, AND SWEDEN WILL BE UNABLE TO PROSECUTE THE PARTICIPANTS. THE REMAINING TWO (2) LOCATIONS WILL BE SEARCHED AND A FULL REPORT PROVIDED TO THE AMERICAN EMBASSY IN STOCKHOLM.

THE CUSTOMS ATTACHE, BONN, HAS HISTORICALLY WORKED VERY CLOSELY WITH THE CUSTOMS SERVICE OF SWEDEN IN ALL CUSTOMS RELATED MATTERS, INCLUDING INVESTIGATION OF CHILD PORNOGRAPHY. WE HAVE PROVIDED INFORMATION TO SWEDISH CUSTOMS REGARDING CHILD PORNOGRAPHY, AND THEY HAVE SUBSEQUENTLY IDENTIFIED SUPPLIERS OF PORNOGRAPHY TO THE UNITED STATES. SWEDISH CUSTOMS HAS REQUESTED FURTHER ASSISTANCE IN PROVIDING INFORMATION WHICH THEY COULD USE IN PROSECUTIONS IN THEIR COUNTRY. SPECIFICALLY, THEY REQUESTED SAMPLES OR COPIES OF THE PUBLICATIONS OR FILMS SEIZED BY U.S. CUSTOMS, AS WELL AS THE MAILING OR SHIPPING WRAPPERS WHICH INDICATE THE SOURCE OF THE CHILD PORNOGRAPHY. THIS INFORMATION WILL BE SUPPLIED THROUGH OUR BONN OFFICE.

FOLLOW-UP CONTACTS BY THE CUSTOMS ATTACHE, BONN, TO THE COUNTRIES VISITED BY THE TEAM HAVE VERIFIED THAT ALL PARTICIPANTS FOUND THE MEETINGS TO BE VALUABLE, AND HAVE COMMITTED THEMSELVES TO ASSISTING US IN OUR ANTI-CHILD-PORNOGRAPHY EFFORTS. YOU MAY REST ASSURED THAT WE WILL HOLD THEM TO THAT COMMITMENT.

IN ADDITION TO OUR INTERNATIONAL ACTIVITIES, AND THE EFFORTS OF THE CUSTOMS ATTACHE IN BONN, WE HAVE BEEN INCREASING OUR DOMESTIC COMMITMENT TO DISRUPT AND PREVENT THE FLOW OF CHILD PORNOGRAPHY INTO THIS COUNTRY.

I WOULD LIKE TO BRIEFLY ADVISE YOU OF OUR ACTIVITIES IN 3 OF THE 80 CASES WHICH WE CURRENTLY HAVE UNDER INVESTIGATION. THESE ARE SIGNIFICANT CASES WHICH DEMONSTRATE THE PERVERSE EFFECTS THIS TRADE HAS ON OUR SOCIETY, AND THE DANGERS INVOLVED CONCERNING OUR CHILDREN.

IN 1979, DR. LEON GARBOWICZ, A PSYCHIATRIST, PLEADED GUILTY IN ORLANDO, FLORIDA, TO PERFORMING ORAL SEX ON A 14 YEAR OLD BOY. GARBOWICZ WAS PLACED ON 15 YEARS PROBATION, AND SUBSEQUENTLY MOVED TO WISCONSIN WHERE, BECAUSE OF INADEQUATE BACKGROUND INQUIRIES, HE WAS ALLOWED TO OBTAIN A POSITION WHICH INCLUDED WORKING WITH ADOLESCENTS IN A DRUG AND ALCOHOL TREATMENT PROGRAM.

ON JANUARY 24, 1985, SEVERAL PACKAGES ADDRESSED TO DR. GARBOWICZ WERE FOUND BY U.S. CUSTOMS IN CHICAGO TO CONTAIN CHILD PORNOGRAPHY. AN ADDITIONAL 122 ARTICLES OF CHILD PORNOGRAPHY WERE SEIZED AT GARBOWICZ'S RESIDENCE.

GARBOWICZ IS NOW IN CUSTODY.

OTHER SIGNIFICANT OPEN INVESTIGATIONS, THAT CAN ONLY BE ELABORATED UPON IN EXECUTIVE SESSION, INCLUDE THE INVOLVEMENT OF AN ALLEGED ORGANIZED CRIME RACKETEER IN THE SMUGGLING OF COMMERCIAL QUANTITIES OF UNDEVELOPED FILM FROM EUROPE. THIS FILM WAS THEN DEVELOPED, COPIED AND REPRODUCED IN THE UNITED STATES FOR RESALE IN SMUT SHOPS. WE HAVE NOW SEIZED A LARGE QUANTITY OF FILM, VIDEO TAPE AND OTHER EVIDENCE.

THE FINAL INVESTIGATION I WISH TO DISCUSS INVOLVES A RADIO STATION DISK JOCKEY, WHO WAS SNARED BY THE CUSTOMS DRAGNET WHEN HE ORDERED AND RECEIVED A SINGLE BOOK INVOLVING CHILD PORNOGRAPHY. CUSTOMS, IN CONJUNCTION WITH POSTAL INSPECTORS AND STATE AND LOCAL LAW ENFORCEMENT OFFICERS, MADE A CONTROLLED DELIVERY OF THE BOOK, AND DISCOVERED EVIDENCE THAT THIS INDIVIDUAL HAD MOLESTED OVER 60 CHILDREN FROM HIS COMMUNITY. EVIDENCE WAS DISCLOSED THAT OTHER ADULTS IN THE COMMUNITY WERE ALSO INVOLVED WITH THE SUSPECT IN VIOLATING AND ABUSING CHILDREN. THE SUSPECT'S ROOM CONTAINED ALMOST 400 PHOTOGRAPHS TAKEN BY THE DEFENDANT OF CHILDREN BETWEEN THE AGES OF 10 AND 18 IN VARIOUS SEX ACTS INSIDE THE SUBJECT'S RESIDENCE.

THE SUBJECT, WHO WAS DESCRIBED BY A U.S. MAGISTRATE AS A "THREAT TO SOCIETY" WAS ARRESTED ON FEBRUARY 5, AND IS NOW INCARCERATED.

THIS CONCLUDES MY FORMAL TESTIMONY.

EXHIBIT NO. 1

THE WHITE HOUSE

WASHINGTON

January 16, 1985

Dear Senator Roth:

Thank you for your January 3 letter informing the President of your efforts to combat the problems of child pornography and sexual exploitation of children.

As I am sure you are aware, last May the President signed into law H.R. 3635, the Child Protection Act of 1984. At that time, President Reagan expressed his grave concern on behalf of our Nation's children. He characterized pornography as ugly and dangerous, and added that we move against it and protect our children. During the signing ceremony, the President announced the establishment of the Attorney General's Select Commission on Pornography.

We are pleased that you share the Administration's concern in this regard, and we have taken the liberty of bringing to the Attorney General's attention your thoughts on how to address this problem.

With best wishes,

Sincerely,

M. B. Oglesby, Jr.
Assistant to the President

The Honorable William V. Roth, Jr.
United States Senate
Washington, D.C. 20510

EXHIBIT NO. 2

U.S. Department of Justice
Office of Legal Policy

Assistant Attorney General

Washington, D.C. 20530

February 5, 1985

Honorable William V. Roth, Jr.
United States Senate
Washington, D.C. 20510

Dear Senator Roth:

I have recently received a copy of your January 3 letter to the President informing him of your efforts in the area of child pornography.

As you are aware, last May the President announced that the Attorney General would be creating a Commission on Pornography. We are now in the final phases of establishing the Commission, which will spend a considerable portion of its efforts and resources examining child pornography and victimization.

Your continued support and assistance in this area is greatly appreciated.

Sincerely,

James M. Spears
Acting Assistant Attorney General

EXHIBIT NO. 3

CHILD PORNOGRAPHY PROSECUTION STATISTICS
January 1, 1978 - February 8, 1985

In 1977 the Department of Justice initiated an intensive effort to identify and prosecute the producers and distributors of child pornography. Since January 1, 1978, the Department has maintained statistics reflecting this effort. The following statistics have been obtained from several sources. While they are essentially complete, it is possible a few cases may have been omitted.

Since January 1, 1978, 132 producers and distributors of this material have been indicted and 99 have been convicted. Cases involving 29 defendants remain open, and cases involving nine defendants have been disposed of other than by conviction under the obscenity and child pornography statutes. The total of open cases and dispositions exceeds the total number of defendants indicted during this period because some dispositions relate to cases in which indictments were returned prior to January 1, 1978.

The following tables set forth a breakdown of indictments and convictions by statute used and year of occurrence. The totals under the individual statutes exceed the actual numbers of defendants indicted and convicted because some defendants were charged under more than one statute. All statutes are found in Title 18, United States Code.

DEFENDANTS INDICTED

	1461 1/	1462 1/	1465 1/	2251 2/	2252 2/	371 3/	Total
1978	7	4	2	0	2	8	23
1979	1	0	0	0	0	0	1
1980	6	2	0	1	7	3	19
1981	5	0	0	0	9	10	24
1982	13	0	0	2	2	17	34
1983	4	0	0	2	4	0	10
1984	31	4	2	2	37	9	85
1985	7	1	1	2	10	0	21
Total	74	11	5	9	71	47	217

1/ Federal obscenity statutes.

2/ Child pornography statutes.

3/ Conspiracy.

DEFENDANTS CONVICTED

	1461	1462	1465	2251	2252	371	Total
1978	5	5	3	0	0	5	18
1979	0	0	0	0	1	0	1
1980	6	2	0	0	3	3	14
1981	5	1	0	0	10	8	24
1982	1	0	0	0	2	4	7
1983	11	0	0	1	1	2	15
1984	17	2	2	0	16	3	40
1985	3	1	0	0	3	0	7
Total	48	11	5	1	36	25	126

On February 6, 1978, Congress enacted Public Law 95-225, the Protection of Children Against Sexual Exploitation Act of 1977. This Act added sections 2251 through 2253 to Title 18, United States Code, to deal specifically with the problem of child pornography. Usage of these statutes has been hampered by the fact that they originally limited prosecution to child pornography cases in which there was an element of commerciality. Since most child pornographers within the United States tend to be traders of material rather than sellers, the Department has been forced to rely largely upon sections 1461-1465, Title 18, United States Code (the federal obscenity statutes), to prosecute child pornographers.

On May 21, 1984, the child pornography statutes were amended. Among other things, the amendments deleted the requirement of commerciality and the requirement that disseminated material be legally "obscene" and added civil and criminal forfeiture provisions. The amended child pornography provisions now appear as sections 2251-2255, Title 18, United States Code. The effect of these amendments upon the Department's ability to prosecute child pornography cases has been dramatic; 63 of the 132 defendants indicted in the last seven years have been charged since May 21, 1984, and 37 of the 99 convictions during this period have occurred since the date of the amendments.

EXHIBIT NO. 4

THE LIBRARY OF CONGRESS
WASHINGTON, D.C. 20540

LAW LIBRARY
EUROPEAN LAW DIVISION

FEB 05 1985

Re: LL Eur 85-766

Dear Mr. Selcraig:

In response to your telephone inquiry of January 25, 1985, concerning the current laws on child pornography and mail secrecy in Denmark and the Netherlands, staff members of the European Law Division have prepared the enclosed reports.

Please feel free to contact us if we may be of further assistance in regard to this or any other matter of European law.

Sincerely yours,

Ivan Sipkov
Chief

Enclosures

Mr. Bruce Selcraig
Permanent Subcommittee on Investigations
Committee on Governmental Affairs
United States Senate
100 Russell Building
Washington, D.C. 20510

DENMARK

I. Child Pornography

The specific Danish provisions on child pornography are sections 234 and 235 of the Criminal Code. However, these provisions on child pornography are in most cases used in combination with some of the other provisions in the Code's Chapter 24 on Sexual Offenses, such as sections 222, 224, 225, or 232. Hence, the appended translation of the relevant criminal law provisions includes the text of sections 216-235 of the Criminal Code. 1/

Section 235 on child pornography was added to the Criminal Code in 1980, and even though this provision provides only for punishment by a (substantial) fine, it appears from section 721, subsection 1, No. 1 of the Procedural Code, No. 1 of January 2, 1980, that violations of the Criminal Code's section 235 are prosecuted by the Public Prosecutor, rather than by the local police chief. The effect of this provision is that a number of pretrial measures, such as search and seizure, become available. The most important provision in this connection is section 786 of the Procedural Code, which provision is translated in Part II-B below.

The National Broadcasting System (NBC) on August 25, 1984, broadcast a one-hour television program on "The Silent Shame: The Sexual Abuse of Children," which included a documented segment on Denmark and the Netherlands. The Netherlands was criticized for not having sufficient provisions against child pornography and Denmark for lax enforcement of its provisions on child

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1/ Relevant Provisions of the Danish Criminal Code: Chapter 24 Sexual Offenses, translated by Dr. Finn Henriksen, Senior Legal Specialist, European Law Division, Law Library, Library of Congress, December 1984. (Appendix)

pornography (contained in the Appendix). Danish authorities claim that this criticism was undeserved, and news sources indicate that some cases of child pornography have since been prosecuted, including the one brought to attention by NBC.

It may also be of interest that Denmark since 1960 has had a permanent Criminal Law Council (Straffelovråd) which has contributed much to the development of Danish criminal law. When Denmark in 1967 repealed most of its criminal law prohibitions against (adult) pornography, it was done on the basis of specific recommendations from the Criminal Law Council. 2/ But when the current section 235 on child pornography was proposed in 1979, the Criminal Law Council expressed doubts about any real need for the proposed provision because children already were protected by several other provisions of Chapter 24 of the Criminal Code. However, the Council would not go so far as to directly recommend that the proposed section 235 not be enacted. 3/ In other words, although a substantial number of Danish criminal law experts seem to have felt that there was no real need for the proposed section 235, the proposed provision on child pornography was, nevertheless, enacted by a Parliament that probably was closer to the feelings of the average citizen than were the experts.

2/ Denmark. Straffelovsrådet, Straffelovsrådets Betaenkning om Straf for Pornografi (The Criminal Law Council's Report on Punishment for Pornography) (Copenhagen, 1966) (Betaenkning No. 435).

3/ Karnovs Lovsamling 2009, footnote 711 (10th ed. Copenhagen, 1982).

II. Mail Secrecy

A. Constitutional and International Law

The basic Danish provision on mail secrecy is section 72 of the Danish Constitution of 1953: 4/

> Sec. 72. The dwelling shall be inviolable. House searching, seizure, and examination of letters and other papers as well as any breach of the secrecy to be observed in postal, telegraph, and telephone matters shall take place only under a judicial order unless particular exception is warranted by Statute.

In connection with the provision on mail secrecy in the Constitution, it is usual to mention that Denmark is a party to the European Convention of November 4, 1950, for the Protection of Human Rights and Fundamental Freedoms, and that this Convention in its Article 8 has a provision on mail secrecy that is enforceable by the supranational European Court of Human Rights: 5/

> Art. 8. (1) Everyone has the right to respect for his private and family life, his home and his correspondence.
>
> (2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Specifically, with regard to pornographic materials, both Denmark and the United States are parties to the Universal Postal Convention of 1979.

4/ The Constitution of the Kingdom of Denmark Act 5th June, 1953 (Copenhagen, 1953).

5/ 2 The Treaties of Norway 1661-1966, at 1013 (Oslo, 1966).

The fourth paragraph of Article 36 of this multilateral convention has an express prohibition of interstate mailings of obscene or immoral articles. The relevant parts of this Article state: 6/

Article 36
Prohibitions

1.-3. [irrelevant]

4. The insertion in letter-post items of the following articles shall be prohibited:

a.-d. [irrelevant]

e. obscene or immoral articles;

f. articles of which the importation and circulation is prohibited in the country of destination.

5. Items containing articles mentioned in paragraph 4 which have been wrongly admitted to the post shall be dealt with according to the legislation of the country of the administration establishing their presence. Letters may not contain documents having the character of current and personal correspondence exchanged between persons other than the sender and the addressee or persons living with them. If the administration of the country of origin or destination discovers the presence of such documents, it shall deal with them according to its legislation.

6. Nevertheless, items containing articles mentioned in paragraph 4 b, d and e, shall in no circumstances be forwarded to their destination, delivered to the addressees or returned to origin. The administration of destination may deliver to the addressee the part of the contents which is not subject to a prohibition.

7. When an item wrongly admitted to the post is neither returned to origin nor delivered to the addressee, the administration of origin shall be notified without delay how it has been dealt with.

6/ Treaties and Other International Act Series 9972, at 48. The Danish ratification of the Universal Postal Convention is published in 1981 Lovtidende for Kongeriget Danmark, Afd. C, at 414.

8. Moreover, the right of every member country shall be reserved to deny conveyance in transit a decouvert over its territory to letter-post items, other than letters and postcards, which do not satisfy the legal requirements governing the conditions of their publication or circulation in that country. Such items shall be returned to the administration of origin.

B. Domestic Law

The statutory provisions that implement the constitutional command and international agreements described in subpart A are primarily sections 4, 12-13, 190-20, 59 No. 1, and 61 in Postal Act No. 318 of June 10, 1976, as amended: 7/

* * *

Mailings To and From Foreign Countries

Sec. 4. With regard to transport through the mail between Denmark and foreign countries, deviations may be made from this Statute to the extent that the matter in question is regulated by provisions of international agreements to which Denmark is a party.

* * *

Secrecy of the Mails

Sec. 12. (1) Whoever works or acts for the Postal Service is prohibited from giving an unauthorized person information on how other persons are making use of the Postal Service or from giving an unauthorized person the opportunity to gain such information on his own.

(2) This duty to secrecy continues after the person in question has left employment by the Postal Service.

Sec. 13. (1) Letters and other postal matters that cannot be delivered, and which cannot otherwise be returned to the sender,

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7/ The following provisions from the Danish Postal Act and Procedural Code are translated by Finn Henriksen from Karnovs Lovsamling 1633-1636 and 3232 (10th ed. Copenhagen 1982-83).

may be opened by the postal service under regulations issued by the Minister for Public Works.

(2) Letters and other postal matters may also be opened under regulations issued by the Minister when this is done to facilitate their transportation by mail or to determine the extent of a possible damage of the mailed item. 8/

Transportation by the Mails

* * *

Sec. 19. (1) An item is excluded from transportation by mail if:

1) it contains anything that is prohibited for distribution;

2) it has anything on the outside that is unlawful, indecent, or insulting; or

3) its transportation may cause damage, danger, or substantial inconvenience.

(2) The same shall apply to letter mail containing money in cash when the letter is not sent as recommended or with the indicated value.

(3) In addition, the mailing of letter mail and other postal matters to foreign countries is excluded when the mailing is prohibited under international agreements to which Denmark is a party, or if the item to be mailed contains substances prohibited for import or distribution under the laws of the country to which it is addressed.

Sec. 20. When there is reason to believe, because of the properties of an item to be mailed or because of other circumstances, that the item in question is subject to exclusion under section 19,

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8/ Translator's Note: The regulations referred to in section 13 may be found in section 2 of Ordinance No. 641 of December 12, 1983. Besides the situations mentioned in section 13, the regulations allow opening of letter mail and other postal matters in order to identify an incomplete address and also allow opening of small parcels and printed matters to check whether the postage has been computed correctly. However, these regulations do not allow opening of commercial mass mailings to check whether the contents are lawful because this matter seems to be regulated by section 20 of the Postal Act.

the Postal Service may, as a condition for transport, request the sender to open the item in question in the presence of civil servants of the Postal Service and show its contents.

* * *

Criminal Liability

Sec. 59. Unless more severe punishment follows from other legislation, punishment by a fine shall be used against whoever:

1) . . .

2) sends letter mail or other postal matters of the kind described in section 19; or

3) . . .

* * *

Sec. 61. If a violation is committed by a stock corporation, a closely held corporation, a cooperative, or the like, the fine may be levied against the business association as such.

* * *

An example of a successful prosecution of violation of the Universal Postal Convention's prohibition of interstate mailings of obscene and immoral materials is the Danish Supreme Court decision reported in 1973 Ugeskrift for Retsvaesen 318. This case dealt with four mailings of pornographic materials to addressees in the Federal Republic of Germany. The provisions cited in the case are those of the previous Postal Act of 1963 and of the previous Universal Postal Convention of 1964. However, these cited provisions are in substance very similar to the current provisions translated above.

Nevertheless, even though there are examples of successful prosecution for interstate mailings of pornographic materials, these cases are difficult for Danish law enforcement agencies to handle because they can count

on only rather limited cooperation from employees of the Postal Service. The Postal Act does not have any provision obligating postal employees to notify the police or the public prosecution when they have reason to suspect or directly establish that letter mail or other modes of postal transportion have been used for unlawful purposes. Furthermore, the provisions on mail secrecy in sections 12-13 of the Postal Act and section 786 of the Procedural Code on seizure of letters seem to be based on the assumption that postal employees do not volunteer such information. The cited provision in the Procedural Code No. 1 of January 2, 1980, states:

> Sec. 786. (1) Letters and other postal matters addressed to, or presumably intended for, or emanating from a defendant may be ordered by the court to be held by the post office and delivered to the court when the charge concerns a crime for which, under ordinary rule of law, proceedings are to be instituted by the Public Prosecutor, and the circumstances are presumably such that the contents should be seized. Excepted from such seizure are letters exchanged between the defendant and his counsel, if in conformity with the rules in section 772.
>
> (2) In urgent cases, the police may order postal officials to hold such mail until a court decision is obtained, although not for a period longer than three days.
>
> (3) Under conditions corresponding to those indicated above, telegraph employees may be ordered, respectively, to hold and inform the court of withheld telegrams or to provisionally withhold them.

Prepared by Dr. Finn Henriksen
Senior Legal Specialist
European Law Division
Law Library, Library of Congress
February 1985

APPENDIX

TRANSLATION

RELEVANT PORTIONS OF THE DANISH CRIMINAL CODE*

Chapter 24
Sexual Offenses

Sec. 216. Whoever enforces sexual intercourse with a woman by violence, by depriving her of her liberty, or by filling her with fear concerning the life, health, or welfare of herself or of her nearest relatives shall be guilty of rape and liable to imprisonment for not more than ten years.

Violence includes placing a woman in such a condition as to make her incapable of offering resistance to the act.

Sec. 217. Whoever by the use of unlawful duress, cf. section 260, has sexual intercourse with a woman shall be liable to imprisonment for not more than four years, unless he is liable to higher punishment in accordance with section 216.

Sec. 218. Whoever outside of marriage has sexual intercourse with a woman by taking advantage of her insanity or feebleminedness shall be liable to imprisonment for not more than four years.

Whoever outside of marriage has sexual intercourse with a woman whose condition is such as to make her incapable of offering resistance

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* Bekendtgørelse af Borgerlig Straffelov No. 411 af 17. august 1978, 1978 Lovtidende for Kongeriget Danmark 1117-1160. Translated by Dr. Finn Henriksen, European Law Division, Law Library, Library of Congress, November 1979. Updated by Finn Henriksen in December 1984 on the basis of Karnovs Lovsamling 2004-2010 (10th ed. Copenhagen, 1982).

to the act shall be liable to imprisonment for not more than four years, unless the crime is punishable in accordance with section 216.

Sec. 219. Whoever, employed in or being a supervisor at any prison, poor-house, Children's Home, mental hospital, institution for the feebleminded or any similar institution, has sexual intercourse with an inmate of any such institution shall be liable to imprisonment for not more than four years.

Sec. 220. Whoever, by grave abuse of the subordinate position or economic dependence of a woman, has sexual intercourse outside of marriage with her shall be liable to imprisonment for any term not exceeding one year or, where she is under 21 years of age, to imprisonment for not more than three years.

Sec. 221. Whoever by trickery has sexual intercourse with any woman who wrongly believes that she is united to him in marriage or mistakes the perpetrator for some other person shall be liable to imprisonment for not more than six years.

Sec. 222. Whoever has sexual intercourse with any child under fifteen years of age shall be liable to imprisonment for not more than four years.

If the child is under twelve years of age, or if the perpetrator has enforced the sexual intercourse by duress in a manner other than

that mentioned in section 216 of this Act, or by intimidation, the penalty may be increased to imprisonment for not more than ten years.

Sec. 223. Whoever has sexual intercourse with a person under eighteen years of age who is his adopted child or foster child, or who has been entrusted to him for instruction or education, shall be liable to imprisonment for not more than four years.

The same penalty shall apply to any person who, by gravely abusing superior age or experience, induces any person under eighteen years of age to sexual intercourse.

Sec. 224. If, in the circumstances indicated in sections 216-223 of this Act, sexual relations other than sexual intercourse have taken place, the penalty of imprisonment to be inflicted shall be proportionately reduced.

Sec. 225. Whoever has sexual relationships with a person of the same sex under circumstances corresponding to those indicated in sections 216-220 and 222-223 [above] shall be liable to imprisonment for not more than six years.

Sec. 226. If, in the circumstances provided for in the foregoing, the punishable nature of the act depends on any abnormal mental or physical condition of the injured person or on the age of that person, the perpetrator has acted without knowledge of such condition or age of the

person concerned, and if, for that reason, the act is not imputable to him as intentional, the penalty to be inflicted, if he has acted negligently, shall be proportionately reduced.

Sec. 227. The punishment to be inflicted under sections 216-224 or 226 of this Act may be remitted if the persons between whom the illicit sexual relations have taken place have since married each other.

Sec. 228. Whoever

(1) induces someone to seek gains from sexual immorality with others;

(2) for the purpose of gain, induces some other person to indulge in sexual immorality with others or prevents any person who carries on sexual immorality as a profession from giving it up; or

(3) keeps a brothel

shall be guilty of procuring and liable to imprisonment for not more than four years.

The same penalty shall apply to any person who incites or helps a person under twenty-one years of age to carry on sexual immorality as a profession, or to any person who helps some other person to leave the Kingdom in order that the latter shall carry on sexual immorality, where that person is under twenty-one years of age or is at the time ignorant of the purpose.

Sec. 229. Whoever promotes sexual immorality as a profession by acting as an intermediary, or who derives profit from the activities of any person carrying on sexual immorality as a profession, shall be liable to imprisonment for not more than three years or, under mitigating circumstances, to a fine.

Whoever makes available for rent a room in a hotel or inn to be used for sexual immorality shall be liable to short-term imprisonment, to imprisonment for not more than one year, or under mitigating circumstances, to a fine.

Whoever allows himself to be maintained, in whole or in part, by a woman who makes her living by prostitution shall be liable to imprisonment for a term not exceeding four years.

Whoever, in spite of the warnings of the police, lives with a woman who makes her living by prostitution shall be liable to imprisonment for any term not exceeding one year. A warning given by the police is valid for five years.

The penalties prescribed in subsection 3 or 4 of this section shall not apply to male persons under eighteen years of age whom the women are under a legal obligation to support.

Sec. 230. Repealed.

Sec. 231. If any person prosecuted under the provisions of sections 228 or 229 has previously been convicted of any of the offenses dealt with in these provisions or of vagrancy, or if he has been sentenced to imprisonment with respect to an offense against property, the penalty may be increased by not more than one-half.

Sec. 232. Whoever by obscene behavior violates public decency or gives public offense shall be liable to imprisonment for any term not exceeding four years or, in extenuating circumstances, to simple detention or a fine.

Sec. 233. Whoever incites or inites other persons to engage in prostitution or exhibits immoral habits in such manner as to violate public decency or to give public offense or to inconvenience neighbors shall be liable to simple detention or to imprisonment for any term not exceeding one year or, in extenuating circusmtances, to a fine.

Sec. 234. Whoever sells pornographic pictures or materials to a person under 16 years of age is liable to a fine.

Sec. 235. Whoever for profit sells or otherwise distributes or, with the intent of selling or distributing, produces or acquires pornographic pictures, film, or the like, of children is liable to a fine.

Translated by Dr. Finn Henriksen
Senior Legal Specialist
European Law Division
Law Library, Library of Congress
December 1984

THE NETHERLANDS

I. Child Pornography

The manufacture, dissemination, transit and export of pornography in the Netherlands has been illegal since the turn of the century. The Dutch Criminal Code contains several provisions that deal with pornography. 1/ Separate provisions have also been made for the distribution of pornography to minors, those who have not reached the age of 18 years. Until recently the ban was rarely enforced. Although there is little public objection to adult pornography, concern is growing rapidly over the use of children in its production. Supported by the Minister of Justice, the Amsterdam police have recently begun a crackdown on dealers who sell child pornography. 2/

In addition to the provisions that deal with pornography, the Dutch Criminal Law contains various strict provisions concerning sexual violence, especially where minors are involved. For instance, sexual intercourse with a minor below the age of 12 years can be punished with a prison term of up to 12 years. 3/

The former Minister of Justice recently introduced legislation in the Dutch Parliament that seeks to legalize the production and sale of pornography. This effort stems from a tendency in at least part of the Dutch

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1/ Criminal Code of March 3, 1881, Staatsblad [official law gazette of the Netherlands, Stb.] 35, as amended, arts. 240, 240bis, and 451bis (Appendix I).

2/ The Associated Press, September 14, 1984, Section: International News, Lexis/Nexis Keyword: Focus-Child Porn.

3/ Supra 1, art. 244.

population to better define and guarantee freedom of the press. In the meantime, the proposed law was amended by the present Minister of Justice, and the amendment will prohibit pornography featuring children under the age of 16 years. The manufacture, dissemination, transit, and export of material of every nature in which children under the age of 16 are involved will be punished with a prison term of a maximum of 3 months and/or a maximum fine of 10,000 Dutch guilders. The materials can also be confiscated. This amendment represents an effort to prohibit the distribution of child pornography within the Netherlands, and also forbids the import and eventual transit of such materials produced elsewhere. Besides the new provisions, the above-mentioned criminal provisions written to prevent sexual violence against minors and women will remain in effect. 4/

II. Mail Secrecy

Postal secrecy in the Netherlands is guaranteed in the Constitution. 5/ The Criminal Code provides for a prison term of up to one year and a fine of up to 10,000 Dutch guilders for the person who purposely opens, damages, or withdraws letters or other pieces of mail from their destination. 6/ The civil servant who goes beyond his authority and impounds a

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4/ Information obtained through the Royal Netherlands Embassy from the Ministry of State, November 1, 1984.

5/ Constitution of the Kingdom of the Netherlands of 1983, art. 13 (Appendix II).

6/ Supra 1, art. 201 (Appendix III).

letter or a package can be punished with a prison term of up to two years and a fine of up to 25,000 Dutch guilders. 7/

Besides these national provisions, the European Convention for the Protection of Human Rights and Fundamental Freedoms 8/ and the International Convention on Civil and Political Rights 9/ guarantee that a person's rights be respected in both his private life and in his correspondence.

Prepared by Dr. Karel Wennink
Legal Specialist
European Law Division
Law Library, Library of Congress
February 1985

7/ Criminal Code of March 3, 1881, art. 371 (Appendix IV).

8/ Approved by Law of July 28, 1954, Stb. 335, art. 8.

9/ Approved by Law of November 24, 1978, Stb. 624, art. 17.

EXHIBIT NO. 5

ROYAL DANISH EMBASSY
WASHINGTON, D.C.

Permanent Subcommittee on
Investigations,
100 Senate Russel Building,
Washington, D.C. 20510

Att: Staff Investigator
Bruce Selcraig.

3200 WHITEHAVEN STREET, N.W.
WASHINGTON, D.C. 2000-8
TEL.: (202) 234 4300
TELGR.-ADR.: AMBADANE
TELEX NO.: 44-0081 (I.T.T.)
089-525 (W.U.I.)

1 28.Dan.6

February 4, 1985.

Dear Mr. Selcraig:

In response to your request the Embassy takes pleasure in sending you the enclosed extract of Danish legislation on sexual offenses and child pornography.

With regard to the other part of your request, information on how Danish authorities handle the question of secrecy of mail, we will receive at the Embassy in a few days a statement on that question. Unfortunately, the text was not available in English, so I hope you will accept a delay for a few days for translation.

I will call your office as soon as the other text has been received.

Sincerely,

Jørgen V. Larsen,
Counselor

J.nr. 28. Dan. 6

Danish legislation on sexual offenses and child pornography.

Any person who produces child pornography by taking obscene photographs or movies of children can be punished for violation of provisions of chapter 24 concerning sexual offenses in the Danish criminal code.

Thus, according to section 232 of the criminal code any person who by obscene behavior violates public decency or gives public offense shall be liable to imprisonment for any term not exceeding 4 years. The taking of an obscene picture of a child will in itself be a violation of this section.

According to section 222, any person who has sexual intercourse or (according to section 224-225) any other kind of sexual relation with a child under 15 years of age shall be liable to imprisonment for any term not exceeding 6 years. Concerning negligent acts, cf. section 226. If the perpetrator has enforced the sexual intercourse or other sexual relation by coercion or by intimidation, or if the child is under 12 years of age, the penalty may be increased to imprisonment for any term not exceeding 10 years.

With regard to distribution of child pornography, a new provision was inserted in the criminal code in 1980. This provision (section 235 of the criminal code) covers commercial distribution only, but can be used even though the pornographic photograph or movie has been taken abroad. It should in this connection be mentioned that besides the penalty (dayfines) prescribed in section 235, confiscation will normally also take place in accordance with the provisions contained in sections 75-77 of the criminal code.

With regard to complicity, the Danish criminal code, section 23, provides that the penalty in respect of an offense shall apply to any person who has contributed to the execution of the wrongful action by instigation, advice or action. This means that also persons, who finance, order, give room for or in any other way assist in the production or distribution of child pornography are liable to punishment.

EXHIBIT NO. 6

ROYAL DANISH EMBASSY
WASHINGTON, D.C.

Mr. Bruce Selcraig
Staff Investigator
Permanent Subcommittee on
Investigations
100 Senate Russell Office Building
Washington, D.C. 20510

3200 WHITEHAVEN STREET, N.W.
WASHINGTON, D.C. 2000-8
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089-525 (W.U.I.)

gennemslag copy(copies) 2 bilag enclosure(s) J. nr.: Ref. 28.Dan.6. Dato Date February 13, 1985

BY HAND

Dear Mr. Selcraig:

In continuation of my letter of February 4, 1985, I take pleasure in providing you with the enclosed statement by the Danish Ministry of Justice with regard to the question of secrecy of communications.

For your information I also enclose a photo copy of two chapters from the book "Danish Law". The said chapters contain explanations and comments which you might find useful in the present case.

Sincerely,

Jørgen V. Larsen
Counselor

Unofficial translation

DANISH LEGISLATION ON SECRECY OF COMMUNICATIONS

1. The present provisions on the powers of the police to break the secrecy of communications are laid down in section 786 of the Administration of Justice Act which allows for the opening of letters by the police on suspicion of an offence under the jurisdiction of the state prosecutor. This condition will be fulfilled wherever an offence is suspected which falls under sections 222 or 224-26, cf. section 222 as well as sections 232 or 235 of the penal code (vide also sections 720 and 721, subsection 1, no. 1 of the Administration of Justice Act on the rules of prosecution).

The decision with regard to breaking the secrecy of communication lies with the courts. However, in urgent cases the police may withhold letters without a court order.

2. A bill to amend the rules set out in the present Administration of Justice Act concerning the powers of the police to break the secrecy of communications was tabled by the Minister of Justice on 1 February 1985 on basis of a report by the committee appointed by him to deal with the penal procedure (no. 1023/1984) concerning the powers of the police with regard to breaking the secrecy of communications and the use of police agents. The bill is proposed to enter into force as from 1 July 1985.

The said bill (section 781, subsection 3) provides for the opening of letters etc. whenever there is well-founded suspicion that they may contain, i.a. stolen material, narcotics or child pornography, which should be confiscated, or articles which have been misappropriated and should be returned to their rightful owner.

The proposed amendments of the provision on breaking the secrecy of communications are not expected to lead to substantial changes in the possibilities to open letters on the suspicion that they contain child pornography.

3. There are no central statistical records on the use of the right to break the secrecy of communications. However, according to an inquiry made to a number of police districts the said right has in fact been used whenever the conditions laid down in the Administration of Justice Act have been fulfilled but the number of cases concerning child pornography, which the police had to investigate, has been modest. Of course opening of letters will be undertaken by the police within the framework allowed by the law in its efforts to combat these serious offences.

- - o ---

Administration of Justice Act, par. 786:

Section 786, subsection 1. Letters and other forms of communication addressed to or supposed to be addressed to or originating from the defendant may by court order to the postal service be withheld and delivered to the court if the indictment concerns a criminal offence which according to the general rule of law shall be prosecuted by the state prosecutor, and if circumstances suggest that their content should be seized. Exceptions are letters exchanged between the defendant and his legal counsel.

Subsection 2. In urgent cases the police may order the postal service to withhold such communications pending the decision of the court, however for a maximum of three days only.

Subsection 3. Under similar conditions as those referred to above, officials of the telegraph service may be ordered either to withhold telegrams and relay them to the court, or to withhold such telegrams temporarily.

EXHIBIT NO. 7

AMBASSADE VAN HET KONINKRIJK DER NEDERLANDEN

ROYAL NETHERLANDS
EMBASSY

No. PCZ-1897

February 14, 1985

Dear Senator Roth,

./. I hereby enclose the relevant texts from current and proposed portions of the Criminal Code and the Constitution of The Kingdom of The Netherlands which refer to child pornography, pornography and privacy of the mails.

It may be that these materials will prove useful in your investigations into the phenomenon of child pornography in The United States of America, and elsewhere in the world.

Before your hearing begins on February 21, 1985, I hope to have received and forwarded to you, other information which will be equally useful.

Sincerely,

G.J. van Hattum
Minister Plenipotentiary

The Honorable William V. Roth, jr.
Chairman
Permanent Subcommittee on Investigations
Room 100 Senate Russell Office Building
Washington, D.C. 20510

AMBASSADE VAN HET KONINKRIJK DER NEDERLANDEN

ROYAL NETHERLANDS
EMBASSY

No. _____

Portions of the Criminal Code and of
the Constitution of The Kingdom of The Netherlands

I. Proposed amendment to article 240 B of the Criminal Code concerning child pornography

Any person who distributes or publicly exhibits a pictorial representation of a sexual act involving a person who is obviously under the age of sixteen, or an information carrier containing such a pictorial representation, or who manufactures, imports, conveys in transit, exports or stocks such a pictorial representation or information carrier for the purpose of distributing or exhibiting it, shall be liable to a term of imprisonment not exceeding three months or a fine of the third category.

II. Article from the Criminal Code already in force concerning sexual relations with a person under the age of sixteen (article 247)

Any person who has sexual relations with someone whom he knows to be unconscious or powerless or with someone whomhe knows to be under the age of 16 or who induces the latter to have or suffer sexual relations or extra-marital sexual intercourse with a third party shall be liable to a term of imprisonment not exceeding six years.

III. Article from the Criminal Code already in force concerning pornography (Article 240)

1. Any person who distributes, publicly exhibits or places on public view any obscene written work with whose contents he is familiar or any obscene pictorial representation or object with which he is familiar, or who manufactures, imports, conveys in transit, exports or stocks any such work, representation or object for the purpose of distributing, publicly exhibiting or putting it up for sale, or who publicly or through the unsolicited distribution of written material offers or indicates the availability of any such work, representation or object shall be liable to a term of imprisonment not exceeding one year or a fine not exceeding six thousand guilders. Any person who, being familiar with the contents thereof, gives a public reading of any such written work shall be liable to the same penalty.

2. Any person who distributes, publicly exhibits or places on sale any obscene written work, pictorial representation or object, or who imports, conveys in transit or stocks any such work representation or object for the purpose of distributing, publicly exhibiting or putting it up for sale, or who publicly or through the unsolicited distribution of written material offers or indicates the availability of any such work, representation or object shall, if he has good cause to suspect that the said work, representation or object is obscene, be liable to a term of detention or imprisonment not exceeding six months or a fine not exceeding six thousand guilders. Any person who, while having good cause to suspect its obscenity, gives a public reading ofany such work shall be liable to the same penalty.

3. If a person guilty of the offence specified in paragraph 1 habitually commits that offence or commits it by way of occupation he shall be liable to a term of imprisonment not exceeding two years or a fine not exceeding ten thousand guilders.

IV. Articles from the Code of Criminal Procedure and from the Constitution already in force concerning the opening of items sent by post

Article 13, paragraph 1 of the Constitution

The privacy of correspondence shall not be violated except, in the cases laid down by act of Parliament, by order of the Courts.

Article 100, Code of Criminal Procedure

1. If a person is caught in the commission of an offence or an offence is committed for which a suspect may be remanded in custody, the public prosecutor who makes the request for a preliminary judicial examination as referred to in article 181, paragraph 1, may, pending action by the examining magistrate, order in cases of urgency that any packages, letters, documents and other communications consigned to the postal or telegraph services or to any other transport organisation be handed over in exchange for a receipt and seized, insofar as they are obviously destined for the suspect or were sent by him.

2. Anyone who is in possession or comes into possession of such items for the purpose of transporting them in any way shall provide the public prosecutor or assistant public prosecutor on request with any information about those items which may be required.

3. Articles 217 - 219 shall apply mutatis mutandis.

Article 101, Code of Criminal Procedure

1. The public prosecutor shall without delay return to the carrier seized packages, letters, documents and other communications which were consigned to the postal or telegraph services or to any other carrier and whose seizure is no longer required, in order that they can be sent on to their destination.

2. The public prosecutor shall not examine the contents of seized items, if they are sealed, until authorized to do so by the examining magistrate after the preliminary judicial examination has begun. If no preliminary judicial examination is instituted, the public prosecutor shall without delay return the seized items to the carrier in order that they can be sent on to their destination.

Article 102, Code of Criminal Procedure

1. If, when opened, the items appear to be of relevance to the investigation, the public prosecutor shall add them to the other documents in the action or to the items of evidence. If this is not the case they shall be resealed and sent on to their destination without delay by the

public prosecutor.

2. If it is not prejudicial to the investigation they shall first be certified by the public prosecutor.

3. If they are not added to the documents in the action or to the items of evidence, the public prosecutor shall not disclose the contents of the items he has opened. The public prosecutor and the assistant public prosecutor shall also not disclose the information referred to in article 100, paragraphs 2 and 3, insofar as it is not evident from the documents in the action.

4. The public prosecutor shall draw up official reports on the seizure, return, opening and further dispatch of the items concerned and shall add them to the documents in the action.

EXHIBIT NO. 8

UNIVERSITY OF DELAWARE
NEWARK, DELAWARE
19716

DIVISION OF CRIMINAL JUSTICE
PHONE: 302-451-1236
451-2000
home 738-7558

1984 DEC 13 PM 4:07

December 6, 1984

Senator William V. Roth, Jr.
3021 Boggs Federal Bldg.
844 Kings St.
Wilmington, DE 19801

Dear Senator Roth:

With respect to your interest in the hearings on child pornography, I thought you might be interested in this report. It briefly describes some activities of a group of children, ages 8-12, some of whom were introduced to pornography at age 5.

Should you have any questions, feel free to contact me.

Sincerely,

James A. Inciardi
Professor and Director

JAI/nq
Enclosure

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LITTLE GIRLS AND SEX: A GLIMPSE AT THE WORLD OF THE "BABY PRO"

JAMES A. INCIARDI
University of Delaware

The literature on child prostitution is limited. There is some historical documentation, but data on contemporary empirical observations is generally unavailable. Moreover, most studies have focused on teenagers rather than on children. Drug abuse was the original concern of this investigation. During the course of the research, nine girls between the ages of 8 and 12 were encountered who admitted involvement in prostitution and/or pornography. They were not runaways. Rather, they had been introduced to their careers by relatives. Their initiation into sex seemed to be motivated by fear of rejection, their drug involvement did not appear to be associated with their sexual activities, and they did not seem to be traumatized by their early association with sex.

The literature on sexual deviance has provided only limited insight into the world of the "baby pro" -- the child prostitute. There is considerable historical documentation of the phenomenon as it existed in the Orient and ancient Rome and Greece (Benjamin and Masters, 1965; Pearson, 1972; Sanders, 1970), as well as in nineteenth-century America (Sanders, 1970; Shoemaker, 1977), but empirical observations of contemporary patterns are almost nonexistent. There are reports of the numerous senatorial hearings on child prostitution and pornography which discuss the "evils" of the sexual exploitation of children and the need for legislative reform (Subcommittee to Investigate Juvenile Delinquency, 1978). There are several pop sociological monographs which speak of "million dollar babies" who have earned as much as $30,000 per year from engaging in sex for a fee (for example, Harris, 1960). These materials, however, are little more than loosely descriptive, and offer little in terms of the characteristics of child prostitutes, patterns of recruitment and training, the nature of their sexual involvement,

[1]This research was supported, in part, by PHS Grant #R01 DA01827 from the National Institute on Drug Abuse.

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and their attitudes toward prostitution. Furthermore, the few empirical investigations of child prostitutes have actually been studies of teenage girls ages 13 years and above (Gray, 1973; Bracey, 1979), leaving a large gap in the literature descriptive of sex for pay as it exists among truly little girls. Within this context, this research note provides some baseline data on 9 female child prostitutes, ages 8 through 12, interviewed in New York City and Wilmington, Delaware during 1978-1980.

Method

It is understandable that child prostitutes would be difficult to encounter for systematic study. Pre-teen girls who engage in prostitution do not walk the streets soliciting clients, for the moral outrage over the sexual exploitation of children has made their trade an almost totally underground phenomenon. Furthermore, both the methods of reporting the arrests of children and their processing through the courts make the majority of those that do come to the attention of the criminal justice system unidentifiable as prostitutes. As indicated in Table I, for example, arrests for both prostitution and other sex offenses appear in the FBI's Uniform Crime Reports, suggesting that child prostitutes do indeed come to the attention of the criminal justice system (although from these FBI data it cannot be determined what proportion of the arrestees are female). Moreover, it is likely that these few cases represent only a small proportion of those actually coming into contact with the police. Typically, a large number of the juveniles arrested who engage in prostitution often become visible to the criminal justice system for some other reason, such as disorderly conduct, loitering, vagrancy, curfew and loitering law violation, or "runaways." As such, while there were 178 persons ages 12 and under arrested during 1980 on charges of prostitution or other sex offenses, there were some 2,637 arrests in these other latter categories. It is likely that a number of these may have been prostitution arrests. Furthermore, in most jurisdictions, arrested juveniles become "status offenders" in the eyes of the courts. As such, even juvenile court data do not reflect the incidence of child prostitutes being processed through the judicial system. All of this suggests that official sources represent a poor base for locating data on child prostitution. The alternative is direct contact with the child prostitute in the street community.

It should be pointed out here that the original purpose of this investigation was not to study child prostitution. Rather, it was an effort designed to study the relationship between the drug use and criminal behavior of active addicts in the street community.

The peculiar life-style, illegal drug-taking and drug-seeking activities, and mobility of active drug users preclude any examination of this group through standard survey methodology. Thus, a sample based on a restricted quota draw was rejected in favor of one derived through the use of a more sociometrically oriented model.

In the field sites, the author had established extensive contacts within the subcultural drug scene. These represented "starting

TABLE 1. Total Arrests for Prostitution and Sex Offenses, Ages 12 and/Under, 1971-1980

Year	Prostitution	Sex Offenses*
1971	13	1,258
1972	21	1,299
1973	17	1,224
1974	13	1,019
1975	15	1,215
1976	31	1,263
1977	87	1,317
1978	111	1,318
1979	70	1,221
1980	1	177

*"Sex Offenses," in FBI designations, includes statutory rape, and offenses against chastity, morals and common decency.
Source: Uniform Crime Reports for the years 1971-1980.

points" for interviewing. During or after each interview, at a time when the rapport between interviewer and respondent was deemed to be at its highest level, each respondent was requested to identify other current users with whom he or she was acquainted. These persons, in turn, were located and interviewed, and the process was repeated until the social network surrounding each respondent was exhausted.

It was during this interviewing process that the first child prostitute was inadvertently encountered. She, in turn, introduced the author to three other drug-using prostitutes of the same age. Intrigued by the possibility of collecting interview data on a yet to be studied cohort of prostitutes, the author shifted the course of the research temporarily, and requested from these respondents introductions to other young prostitutes -- drug-using or not. In all, 9 such individuals were contacted -- 7 in New York City and 2 in Wilmington, Delaware, and all were interviewed "on the street." Given the sensitive nature of the interviews, the settings in which they were undertaken, and the ages of the respondents, only minimal information could be elicited.

Findings

Briefly, the nine child prostitutes ranged in age from 8 to 12 years, with a median age of eleven years. In terms of race/ethnicity, 4 were white-Anglo, one was black, one Puerto Rican, and 3 were Oriental. None of these individuals were engaging in prostitution as a full-time occupation. All were attending elementary school, having completed a median of 6 years of education at the time of interview. None of these children were runaways. Rather,

they were living at home with a parent(s) and/or relatives. They were introduced to their careers in prostitution by a parent, sister or other relative who was also involved in prostitution or pornography.

More specifically:

Julie, age 11. Born in Oxford, Pa., Julie is a 7th grade student living with her parents. She was introduced to prostitution at age 9, by her mother, also a prostitute. Julie's first experience involved posing in the nude by herself, and later with other girls her own age. The photographs were taken by her father. Within a few months, she began participating in pornographic films, performing such acts as masturbation, fellatio and cunnilingus with both children and adults. Since age 10, she has worked in a massage parlor, about twice a week, fellating and masturbating older men. She has never engaged in sexual intercourse. She has never used drugs, been arrested, nor did she admit to any criminal activity.

Stephanie, age 9. Stephanie was born in Ponce, Puerto Rico and is a student in the 5th grade. She lives with her 21-year-old sister who introduced her to massage parlor operations at age 7. Stephanie's sexual activity has been limited to masturbating her sister's clients, both men and women, about once a week. She has never engaged in sexual intercourse. Stephanie smokes marijuana about twice a week, which she has been doing since age eight. On occasion, she sells marijuana to her peers. She is generally high on marijuana when she engages in sex.

Kelly, age 11; Kim, age 12. Kelly and Kim, of Oriental extraction, are sisters. Their parents are pornographers, who introduced them to films at ages 7 and 8 respectively. Both have engaged in all varieties of sexual acts, with each other, children and adults of both sexes, and animals. Kelly and Kim also use drugs, a practice they began at age 9. Their drug use occurs several times each week, and has included marijuana, alcohol, minor tranquilizers, organic solvents, and cocaine. Kim, the older of the two sisters, is a part-time prostitute, while Kelly's sexual activity is limited to pornography.

Chris, age 8. Chris, who has done films with Kelly and Kim, is also of oriental extraction. She is an orphaned cousin of the two girls, and lives with them. She did her first pornographic film at age 7. Her primary activity has been oral sex, which she says she enjoys. She has never had sexual intercourse and does not use drugs.

Diana, age 10. Born in Mt. Vernon, N.Y., Diana lives with her sister and an aunt, both of whom are street prostitutes. They also work in massage parlors. Diana began her career in prostitution at age 8, masturbating some of her sister's clients. By age nine she was engaging in fellatio and intercourse, occurring at the rate of one or more times a week. Her only drug use is alcohol, but she claims she has never been intoxicated.

Maryann, age 12. Living with an aunt in New York City, Maryann's sexual experiences began at age 5, with sexual intercourse occurring "sometime after that." She has never done "kiddie porn" but has engaged in all varieties of sexual activity, about four times each week. She has never used drugs.

Georgia, age 11. Born in Brooklyn, N.Y. and brought up by her mother and uncle, Georgia began her career with pornography at age 9. Sexual intercourse began at age 10, and since that time she has participated in pornographic films combined with prostitution at the rate of about once each week. She was also in a live sex show with several girls and boys her own age. Her only drug use is occasional marijuana smoking, which she began at age 10.

Laura, age 10. Originally from Chicago, Laura has lived in various cities along the East Coast. She has been a prostitute for two years, and was introduced to it by her teenage brother, who serves as her pimp. Both she and her brother have worked in films and live sex shows. Her drug use is generally marijuana and sometimes codeine, both of which she became involved with "only recently."

The initiation of these girls into prostitution and pornography appeared to be neither forced nor traumatic. Rather, the overt presence of nudity, sexual promiscuity and prostitution in the home seemed to desensitize them. As Julie indicated: "When you see people fucking ever since you're little, it seems to be just nuthin." And Diana:

> My sister would take me to work with her [to a massage parlor] sometimes when she couldn't get a baby sitter. I can't remember the first time I saw a dude get on top of her, but it didn't seem to bother her. She said it was fun and felt good too.

After their observations of sexual activity, actual participation began in several ways. Some were just simply told to do it. Kelly and Kim, for example, grew up in a household where pornographic films were produced on an almost regular basis. One day their mother told them it was their turn to take off their clothes and get in front of the camera. Georgia reported a similar experience:

> Mom was doing a film one afternoon and her period was coming real bad and making a mess out of the bed. Then my uncle said "why don't you put the kid in there and have her just give a hand job." I had seen it done often enough so it was no problem.

On the other hand, some of the girls asked to participate. As Chris explained: "Kelly and Kim were on the bed having all the fun and all the attention, so I asked if I could do it too. One day mom said OK." Similarly, Julie commented: "Mom and dad were talking about me doing the films. I told them I'd do it if they'd take me to the beach. . . It was so easy. All I did was sit in front of the camera with my legs open."

In general, the girls' attitudes towards participating in prostitution and pornography appeared to be rather cavalier and nonchalant. Many viewed it a mechanism for "easy money." Julie stated: "A hand job takes less than two minutes. The old fart is usually already hard when I go in there, and it isn't long before they shoot their load. Twenty bucks for a two-minute local [masturbating a male client] isn't a bad deal."

And Laura:

> Giving head isn't the most fun thing I ever did, but it was never scary either. Someone was always there to see that nothing went wrong and so that nobody would hurt me, and then I'd get some nice presents or get taken out somewhere so it was worth it. Now I'm used to it and the spending money is real nice.

Discussion

As indicated earlier, the data collected on these nine young prostitutes are rather sparse. This was due, in part, to the nature of the street-corner interviewing encounters, combined with the fact that all of the informants were both unwilling and unable to fully express themselves. It was apparent during the interviews that all of the girls had been instructed at length by their parents, guardians and peers as to the illegality of their activities, and that there could be severe consequences if their prostitution became known. As one child put it: "My sister said we would all go to jail if people find out about it." Or another stated: "They'd put my mom away, and that would be bad." A second problem was the informants' inability to fully articulate their feelings and experiences. With regard to the topics of drugs or specific sexual activities, most of the girls were able to speak in a rather matter-of-fact and somewhat mature streetwise manner. But when it came to attitudes and feelings, their chronological age and educational level seemed to come forward, leaving them with the same intellectual and perceptual abilities of other children in the 8-12 year cohort. Despite these problems, however, a number of tentative conclusions could be made.

First, it would seem that their early and repeated observations of sexual activity combined with the guidance of a parent or other relative provided them with an easy transition into the worlds of pornography and prostitution. These factors may have insulated them from the trauma that would ordinarily be experienced by other children who become victims of sexual exploitation.

Second, to a noticeable extent, their willingness to participate in sexual activities, both at the outset and as a continuing practice, seemed to be motivated by fear. Not fear in the sense of any physical harm or coercion, but fear of rejection by a parent or guardian. Their involvement was often a way of getting attention from an otherwise ambivalent mother, father, or sister. Many of these children were showered with affection, money, presents, or

"a trip to the circus," after many of their sexual encounters. In this behalf, Georgia commented:

> They wanted me to do this [sex] show with a bunch of other kids one afternoon. I didn't mind playing around with the others, but it was in a room with a whole bunch of people watching. I felt kind of funny. . . My mom said that it was just this one time, and after it, she'd take me to Schwartz's [New York City's largest toy department store] and I could pick out anything I wanted.

Third, also apparent were their negative attitudes towards their clients. The johns were almost exclusively males, and were typically referred to as "old farts," "suckers," "assholes," "scum bags" and "shit heads." Although this vocabulary was most likely picked up from their parents and "pimps," they generally spoke of their male clients with some disdain. As Kim stated, for example: "You have to be awfully fucked up to want to be pissed on or screwed by a kid. . ." On the other hand, no such attitudes emerged with respect to the children, and men, who performed with them in films. These individuals were viewed as their equals -- as others performing a service for a fee.

Fourth, their drug use did not appear to be related to their careers in prostitution and pornography. Rather, they all resided in high drug use areas, and their initiation into marijuana and alcohol use was more a matter of differential association with the public school drug culture. Kelly and Kim, for example, were the heaviest drug users (although not daily users), and had been introduced to substance abuse by a 14-year-old (non-prostitute) schoolmate. A similar type of initiation was clear with several of the other respondents. On the other hand, their drug consumption patterns were made readily possible by the funds earned through sex. This was particularly clear with respect to Kelly and Kim, who would purchase cocaine once or twice a month.

Fifth, and finally, the absurd hypocrisy associated with the way these children had been sexually exploited surfaced when they were asked whether they had intentions of becoming career prostitutes. They all said no, offering as alternatives the same type of professional aspirations that most other children have -- to be an actress, a television star, a model, a doctor. . . Most had been told by their parents -- the very same parents that introduced them to sex--that prostitution was no way to earn a living, and that "when they get older," they ought to do something else. Maryann, the oldest, most mature, and the most sexually experienced of the group seemed to have the most realistic attitude toward her activities:

> I know that this is a dirty business and that hookers end up as junkies and street bums. . . But I also know that as long as I look young I can do OK. . . Once I grow up I won't be so special anymore.

In conclusion, it is clear that a high degree of coercion, however covert, stimulated the entry of these nine girls into pornography

and prostitution and has influenced the development and continuation of their careers. How these experiences will ultimately shape their conceptions of self, development of sex roles and attitudes, and views of the world as adults is open only to speculation.

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U.S. Department of Justice

Criminal Division

Office of the Deputy Assistant Attorney General

Washington, D.C. 20530

FEB 20 1985

PERM. SUBCOMMITTEE
RECEIVED
FEB 20 1985
ON INVESTIGATIONS

Honorable William V. Roth, Jr.
Chairman
Permanent Subcommittee on Investigations
Committee on Governmental Affairs
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Thank you for affording the Criminal Division an opportunity to submit a statement in connection with hearings before the Senate Permanent Subcommittee on Investigations concerning child pornography and child molestations. Our statement is enclosed.

We will be happy to respond to any future inquiries which you may have.

Sincerely,

Victoria Toensing

VICTORIA TOENSING
Deputy Assistant
Attorney General

Enclosure

EXHIBIT NO. 9

Department of Justice

STATEMENT

OF

VICTORIA TOENSING
DEPUTY ASSISTANT ATTORNEY GENERAL
CRIMINAL DIVISION

BEFORE

THE

COMMITTEE ON GOVERNMENTAL AFFAIRS
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

CONCERNING

CONTINUATION OF HEARINGS ON CHILD
PORNOGRAPHY AND CHILD MOLESTATIONS

FEBRUARY 21, 1985

As a member of the Interagency Group to Combat Child Pornography, the Criminal Division of the Department of Justice participated in that Group's recent mission to The Netherlands, Denmark, and Sweden. Subsequently, the Division's representative on that mission and I met with members of your staff to respond to questions concerning the enforcement of child pornography laws. At the conclusion of that meeting, your staff requested that we submit a written statement providing statistics on child pornography prosecutions in the United States and comments concerning the mission. Our comments will be relatively brief as the Department of State has already provided you an extensive report concerning the mission.

For some time, the Department of Justice has accorded high priority to prosecuting people who produce or traffic in child pornography in contravention of federal laws. However, with the enactment last May of the Child Protection Act of 1984, it is now possible for federal prosecutors to move far more aggressively against those who deal in this noxious material. Supported by the dedicated investigative efforts of the Federal Bureau of Investigation, Postal Inspection Service, and Customs Service, federal prosecutors since May 1984 have dramatically increased the number of defendants charged with child

pornography violations. In the last nine months 63 defendants were indicted for involvement in child pornography. This represents almost as many child pornography indicted defendants as were charged during the entire previous six and one-half years. I have included for your hearing record a yearly statistical report on the number of defendants and convictions for federal violations of child pornography statutes.

Despite the encouraging results achieved with the aid of the new statute, the pernicious cycle of child pornography production, distribution, and consumption will not be broken so long as there are nations from which child pornography can be exported with impunity. International cooperation is, therefore, an indispensable ingredient in the overall solution to this problem. For this reason, we welcome the State Department's formation of an Interagency Group to focus on the international aspects of the problem, and we shall continue to participate actively in the efforts of that Group.

The Group's recent mission to The Netherlands, Denmark, and Sweden was highly productive. Channels of communication are being opened which have the potential for producing tangible benefits in the coming months. We anticipate that direct

communication between Dutch and United States enforcement officials, using the mechanism of the existing mutual assistance treaty, will soon begin, and that similar channels of direct law enforcement communication will be developed with Denmark and Sweden. These communications will, of course, be closely coordinated with the Department of State through the Interagency Group.

Although the success of the Interagency Group's overseas mission cannot fully be measured for at least six months to a year, we are encouraged by what has transpired so far. Enforcement officials in all three nations share the concern of the United States about child pornography and the abuse of children which it manifests. Indeed, we understand from news media reports that Denmark has in the past month brought charges against persons alleged to be responsible for the publication of a major child pornography magazine.

We appreciate this opportunity to furnish our comments to your committee, and we will be happy to respond to any future inquiries which you may have.

CHILD PORNOGRAPHY PROSECUTION STATISTICS
January 1, 1978 - February 8, 1985

In 1977 the Department of Justice initiated an intensive effort to identify and prosecute the producers and distributors of child pornography. Since January 1, 1978, the Department has maintained statistics reflecting this effort. The following statistics have been obtained from several sources. While they are essentially complete, it is possible a few cases may have been omitted.

Since January 1, 1978, 132 producers and distributors of this material have been indicted and 99 have been convicted. Cases involving 29 defendants remain open, and cases involving nine defendants have been disposed of other than by conviction under the obscenity and child pornography statutes. The total of open cases and dispositions exceeds the total number of defendants indicted during this period because some dispositions relate to cases in which indictments were returned prior to January 1, 1978.

The following tables set forth a breakdown of indictments and convictions by statute used and year of occurrence. The totals under the individual statutes exceed the actual numbers of defendants indicted and convicted because some defendants were charged under more than one statute. All statutes are found in Title 18, United States Code.

DEFENDANTS INDICTED

	1461 1/	1462 1/	1465 1/	2251 2/	2252 2/	371 3/	Total
1978	7	4	2	0	2	8	23
1979	1	0	0	0	0	0	1
1980	6	2	0	1	7	3	19
1981	5	0	0	0	9	10	24
1982	13	0	0	2	2	17	34
1983	4	0	0	2	4	0	10
1984	31	4	2	2	37	9	85
1985	7	1	1	2	10	0	21
Total	74	11	5	9	71	47	217

1/ Federal obscenity statutes.

2/ Child pornography statutes.

3/ Conspiracy.

DEFENDANTS CONVICTED

	1461	1462	1465	2251	2252	371	Total
1978	5	5	3	0	0	5	18
1979	0	0	0	0	1	0	1
1980	6	2	0	0	3	3	14
1981	5	1	0	0	10	8	24
1982	1	0	0	0	2	4	7
1983	11	0	0	1	1	2	15
1984	17	2	2	0	16	3	40
1985	3	1	0	0	3	0	7
Total	48	11	5	1	36	25	126

On February 6, 1978, Congress enacted Public Law 95-225, the Protection of Children Against Sexual Exploitation Act of 1977. This Act added sections 2251 through 2253 to Title 18, United States Code, to deal specifically with the problem of child pornography. Usage of these statutes has been hampered by the fact that they originally limited prosecution to child pornography cases in which there was an element of commerciality. Since most child pornographers within the United States tend to be traders of material rather than sellers, the Department has been forced to rely largely upon sections 1461-1465, Title 18, United States Code (the federal obscenity statutes), to prosecute child pornographers.

On May 21, 1984, the child pornography statutes were amended. Among other things, the amendments deleted the requirement of commerciality and the requirement that disseminated material be legally "obscene" and added civil and criminal forfeiture provisions. The amended child pornography provisions now appear as sections 2251-2255, Title 18, United States Code. The effect of these amendments upon the Department's ability to prosecute child pornography cases has been dramatic; 63 of the 132 defendants indicted in the last seven years have been charged since May 21, 1984, and 37 of the 99 convictions during this period have occurred since the date of the amendments.

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